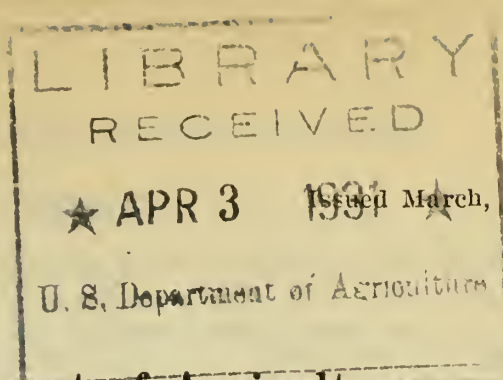


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United States Department of Agriculture

BUREAU OF BIOLOGICAL SURVEY

SERVICE AND REGULATORY ANNOUNCEMENTS NO. 74

LAWS AND REGULATIONS FOR THE ADMINISTRATION OF THE ALEUTIAN ISLANDS RESERVATION, ALASKA

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REGULATIONS FOR THE ALEUTIAN ISLANDS RESERVATION, ALASKA

Pursuant to section 10 of the migratory bird conservation act of February 18, 1929 (45 Stat. 1222-1224), the act of June 28, 1906, as amended April 15, 1924, to protect wild life and property on Federal reservations (43 Stat. 98; U. S. Code, title 18, sec. 145), and by virtue of authority vested in the Secretary of Agriculture by Executive Order No. 1733 of March 3, 1913, and otherwise, the following regulations are hereby prescribed, effective November 1, 1930, for the administration of the Aleutian Islands Reservation, Alaska, hereinafter referred to as the "reservation":

Regulation 1.—Protection of Animals and Birds and Entry upon the Reservation

Entry upon any of the islands and use thereof for purposes not inconsistent with the objects for which the reservation was established and not inconsistent with any outstanding permit issued hereunder may be made, without permit, except that no person shall hunt, take, capture, kill, or willfully disturb, at any time or in any manner, any wild animal or bird or any nest or egg of any such bird within the reservation; utilize lands therein for fur farming or stock grazing; erect a building or other permanent structure on Unimak Island; own, possess, maintain, or harbor a dog on Unimak Island, or allow any dog, owned, possessed, maintained, or harbored to run loose within the reservation at a distance of more than 1 mile from the center of any village therein, without a permit as herein provided from the administrative officer, Bureau of Biological Survey, Juneau, Alaska; and then with respect to the taking of game animals, land fur-bearing animals, and birds only in accordance with the Alaska game law of January 13, 1925 (43 Stat. 739; U. S. Code, title 48, secs. 192-211): *Provided*, That no sheep or other livestock shall be introduced within the reservation under a grazing permit unless such stock is free of external parasites, including lice, scab mites, true ticks, and sheep ticks (*Melophagus ovinus*): *And provided further*, That no permit will be granted to an alien individual to engage in stock raising, or to a corporation or company more than 50 per cent of which is owned by an alien or aliens to engage in stock raising or fur farming.

Regulation 2.—Permits

Subject to existing law and such regulations as the Secretary of Agriculture may prescribe, revocable permits may be granted by said administrative officer, when in his opinion the operations thereunder will not endanger the object for which the reservation was established, for such duration and subject to such limitations and conditions as he may prescribe, to take or capture wild animals or birds, or to utilize lands within the reservation for fur farming or stock grazing, or to erect a building or other permanent structure on Unimak Island, or to own or possess a dog on said island.

Regulation 3.—Exemptions

No permit will be required of natives resident within the reservation to take or capture game animals, game birds, or land fur-bearing animals in the reservation in accordance with the Alaska game law, except that such natives may not take such animals or birds on islands held by any person under valid permit for fur farming, nor except under permit on Unimak Island; and nothing herein shall be deemed to prevent permittees who are raising sheep within the reservation from using dogs for herding, nor persons who are legally on the reservation from using dogs as pack animals or for pulling sleds; but no person shall own, possess, maintain, or harbor a dog for any purpose on Unimak Island except under permit as herein provided.

Regulation 4.—Applications for Permits; Fees

Application for permits should be addressed to the administrative officer, Bureau of Biological Survey, Juneau, Alaska, and should contain the name (legibly written or printed), the post-office address, and the citizenship of the applicant, together with references as to his character, reliability, and resources; and if applicant is a corporation or company, the home address and the place and date of incorporation or organization, together with the names and addresses of its principal officers, and a sworn statement by a responsible officer of the percentage of alien ownership; and

If wild animals or birds are to be taken, the number of each species desired and whether for scientific, propagation, exhibition, or other purposes; or,

If it is desired to possess or maintain a dog or dogs on Unimak Island, the number, sex, name, and distinguishing characters or marks, if any, of each and the purpose for which possession thereon is desired; or,

If it is desired to construct a building, shed, or other structure on Unimak Island, information regarding the nature of the operations to be conducted; or,

If it is desired to use or occupy any island within the reservation, or a portion thereof, for fur farming or livestock grazing, the name of the island, its location by approximate latitude and longitude, a description of its character, whether there are any native or aboriginal improvements on the island or portion thereof applied for and, if so, to whom they belong and when last used, and any information the applicant has concerning its suitability for the purpose intended, stating his source of information regarding it and whether he has personally examined it, together with the number of animals he proposes to place thereon and the date he expects or is prepared to begin operations; and,

Any other details or information necessary to give a clear understanding of the privileges the applicant desires to obtain.

Within the discretion of the administrative officer, fees will be charged for permits for stock grazing or fur farming within the reservation, or for the use or occupancy of areas on Unimak Island, commensurate with the value of the concession.

Regulation 5.—Remittance of Fees

Any fees accruing to the department by virtue of uses under these regulations or from outstanding permits under previous regulations affecting the Aleutian Islands Reservation shall be remitted to the administrative officer, Bureau of Biological Survey, Juneau, Alaska, by postal money order, or bank draft, made payable to the fiscal agent, Forset Service, Juneau, Alaska, under the ex-officio commissioner for Alaska designated by the Secretary of Agriculture under the act of February 10, 1927 (44 Stat., pt. 2, 1068). Remittance hereunder in form other than by postal money order or bank draft may be accepted by the said

administrative officer, Bureau of Biological Survey, at his discretion and upon his own responsibility, except that remittance in cash must not be accepted unless no other form of remittance is practicable.

Regulation 6.—Transfer of Permits

No permit issued under the authority of the Department of Agriculture or these regulations for any area, use, purpose, or privilege concerning the reservation, or any island or portion thereof, shall be sold, bartered, exchanged, or transferred by the permittee to another, and no agreement to do so shall be entered into by the permittee, without first furnishing the said administrative officer with the full details of any such proposed transaction and obtaining his consent thereto, and no such arrangement shall become effective until the old permit has been surrendered for cancellation and a new permit issued.

Regulation 7.—Cancellation of Permits

Any and every outstanding permit affecting the reservation or permit issued hereunder is subject at all times to discretionary revocation and termination by the Secretary of Agriculture.

The administrative officer may cancel any outstanding permit issued by, or under authority of, this department for any use or privilege concerning the reservation upon the request of or under mutual agreement with the permittee; for failure of the permittee to report as required by the permit; for failure to stock an island under permit with the number of foxes or other animals as required by and within the terms of the permit; for abandonment of the area, purpose, use, or privilege covered by such permit; or for the molesting by the permittee of native burying grounds or improvements or interfering with natives cultivating accustomed lands, and the ex-officio commissioner for Alaska designated by the Secretary pursuant to the provisions of the act of February 27, 1927 (44 Stat., pt. 2, 1068) may cancel any outstanding permit relating to said reservation for any other good and sufficient reason.

An appeal may be taken from any administrative action or decision of the administrative officer or the ex-officio commissioner for Alaska upon filing with the officer who rendered the decision a written request for reconsideration thereof or notice of appeal. Decisions of said officers shall be final unless appeal is taken therefrom within a reasonable time. Decisions of the administrative officer appealed from shall be reviewed by the ex-officio commissioner for Alaska and decisions of said commissioner shall be reviewed by the Secretary of Agriculture. In cases where delay would be prejudicial the Secretary of Agriculture will consider a direct appeal from any action of the administrative officer.

Unless the written notice of appeal contains an acceptable reason for allowing a longer time for the preparation of the case, the appellant shall file immediately a statement or brief setting forth in detail the respects in which the action or decision from which appeal is taken is contrary to or in conflict with the law, the regulations of the Secretary of Agriculture, or the determined facts. Upon receipt of such statement or brief the officer from whose action or decision the appeal is made shall prepare a statement or brief reviewing the case and presenting the facts and considerations upon which his action or decision is based. The two statements or briefs, together with all papers comprising the record in the case, shall then be transmitted to the officer to whom the appeal is made, who will thereupon review the case and advise both the appellant and the subordinate officer of his decision.

Regulation 8.—Removal of Property

Upon the termination of any permit affecting the Aleutian Islands Reservation by expiration or by forfeiture or cancellation thereof, pursuant to regulation 7 hereof, in the absence of an agreement to the contrary, if all fees due the Government have been paid, the permittee may, within a reasonable period to be determined by the administrative officer, remove all property including fur-bearing animals belonging to him, together with any buildings or improvements of any kind that may have been erected by him, but if not removed within the period of time specified by the administrative officer, such animals, buildings, and/or improvements shall become the property of the United States.

Regulation 9.—Previous Regulations Revoked

The regulations of the Secretary of Agriculture for the Aleutian Islands Reservation, Alaska, promulgated September 14, 1928, are hereby revoked, effective November 1, 1930.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Department of Agriculture to be affixed in the City of Washington, this 31st day of October, 1930.

ARTHUR M. HYDE,
Secretary of Agriculture.

EXECUTIVE ORDER ESTABLISHING ALEUTIAN ISLANDS RESERVATION

It is hereby ordered that all islands of the Aleutian Chain, Alaska, including Unimak and Sanak Islands on the east, and extending to and including Attu Island on the west, be and the same are hereby reserved and set apart as a preserve and breeding ground for native birds, for the propagation of reindeer and fur-bearing animals, and for the encouragement and development of the fisheries. Jurisdiction over the wild birds and game and the propagation of reindeer and fur-bearing animals is hereby placed with the Department of Agriculture, and jurisdiction over the fisheries, seals, sea otter, cetaceans and other aquatic species, is placed with the Department of Commerce and Labor.

It is unlawful for any person to kill any otter, mink, marten, sable or fur seal, or other fur bearing animal within the limits of Alaska Territory, except under such regulations as may be prescribed by the Secretary of Commerce and Labor; and it is unlawful for any person to kill any game animals or birds in Alaska or ship such animals or birds out of Alaska except under the provisions of law and under such regulations as may be prescribed by the Secretary of Agriculture.

Within the limits of this reservation it is unlawful for any person to hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever, or take the eggs of any such bird, except under such rules and regulations as may be prescribed by the Secretary of Agriculture.

Warning is expressly given to all persons not to commit any of the acts herein enumerated and which are prohibited by law.

The establishment of this reservation shall not interfere with the use of the islands for lighthouse, military, or naval purposes, or with the extension of the work of the Bureau of Education on Unalaska and Atka Islands.

This reservation to be known as the Aleutian Islands Reservation.

WM. H. TAFT.

THE WHITE HOUSE, *March 3, 1913.*

[By Executive order of November 23, 1928, the islands of Akun, Akutan, Sanak, Tigalda, Umnak, and Unalaska, including Sedanka or Biorka, and by Executive order of December 19, 1929, a portion of Amaknak Island, were eliminated from the Aleutian Islands Reservation and transferred to the jurisdiction of the Department of the Interior.]¹

LAW PROTECTING WILD ANIMALS AND BIRDS AND THEIR EGGS AND GOVERNMENT PROPERTY ON FEDERAL REFUGES

[U. S. Code, Title 18, Criminal Code and Criminal Procedure]

SEC. 145. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclama-

¹ For information concerning the leasing of public lands in Alaska, outside of national forests, for fur-farming or grazing purposes, under the provisions of the acts of July 3, 1926 (44 Stat., pt. 2, 821; U. S. Code, Supp. III, title 48, secs. 360, 361) and March 4, 1927 (44 Stat., pt. 2, 1452; U. S. Code, Supp. III, title 48, secs. 471-471o), inquiries should be addressed to the General Land Office, Anchorage, Alaska. For information concerning the use of lands within the national forests in Alaska, inquiries should be addressed to the Forest Service, Juneau, Alaska.

tion, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than \$500, or imprisoned not more than six months, or both. (Sec. 84, act of March 4, 1909, as amended April 15, 1924, 43 Stat. 98.)

EXTRACTS FROM THE MIGRATORY BIRD CONSERVATION ACT

[U. S. Code, Supplement III, Title 16, Conservation]

SEC. 715i. That no person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this Act, or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture; nor shall any person take any bird, or nest or egg thereof on any area acquired under this Act, except for scientific or propagating purposes under permit of the Secretary of Agriculture; but nothing in this Act or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this Act for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area.

SEC. 715j. That for the purposes of this Act, migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916.

[Migratory birds, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, as incorporated in the regulations under the migratory bird treaty act of July 3, 1918 (U. S. Code, title 16, Conservation, secs. 703-711; 40 Stat. 755), are defined as follows:

1. *Migratory game birds:*

- (a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidae, or rails, including coots, gallinules, and sora and other rails.
- (d) Limicolae, or shore birds, including avocets, curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.
- (e) Columbidae, or pigeons, including doves and wild pigeons.

2. *Migratory insectivorous birds:* Cuckoos; flickers and other woodpeckers; night-hawks or bull-bats and whip-poor-wills; swifts; humming birds; flycatchers; bobolinks, meadow larks, and orioles; grosbeaks; tanagers; martins and other swallows; waxwings; shrikes; vireos; warblers; pipits; catbirds and brown thrashers; wrens; brown creepers; nuthatches; chickadees and titmice; kinglets and gnatcatchers; robins and other thrushes; and all other perching birds which feed entirely or chiefly on insects.

3. *Other migratory nongame birds:* Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters, and terns.]

SEC. 715l. That for the efficient execution of this Act, the judges of the several courts established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce this Act, shall have, with respect thereto, like powers and duties as are conferred by section 5 of the Migratory Bird Treaty Act (title 16, section 706 of the United States Code) upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce the Act last aforesaid. Any bird, or part, nest or egg thereof, taken or possessed contrary to this Act, when seized shall be disposed of as provided by section 5 of said Migratory Bird Treaty Act.

[Powers and duties of enforcement officers are defined by section 5 of the migratory bird treaty act as follows:

SEC. 5. That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act shall have power, without warrant, to arrest any person committing a violation of this act in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this act; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulations made pursuant

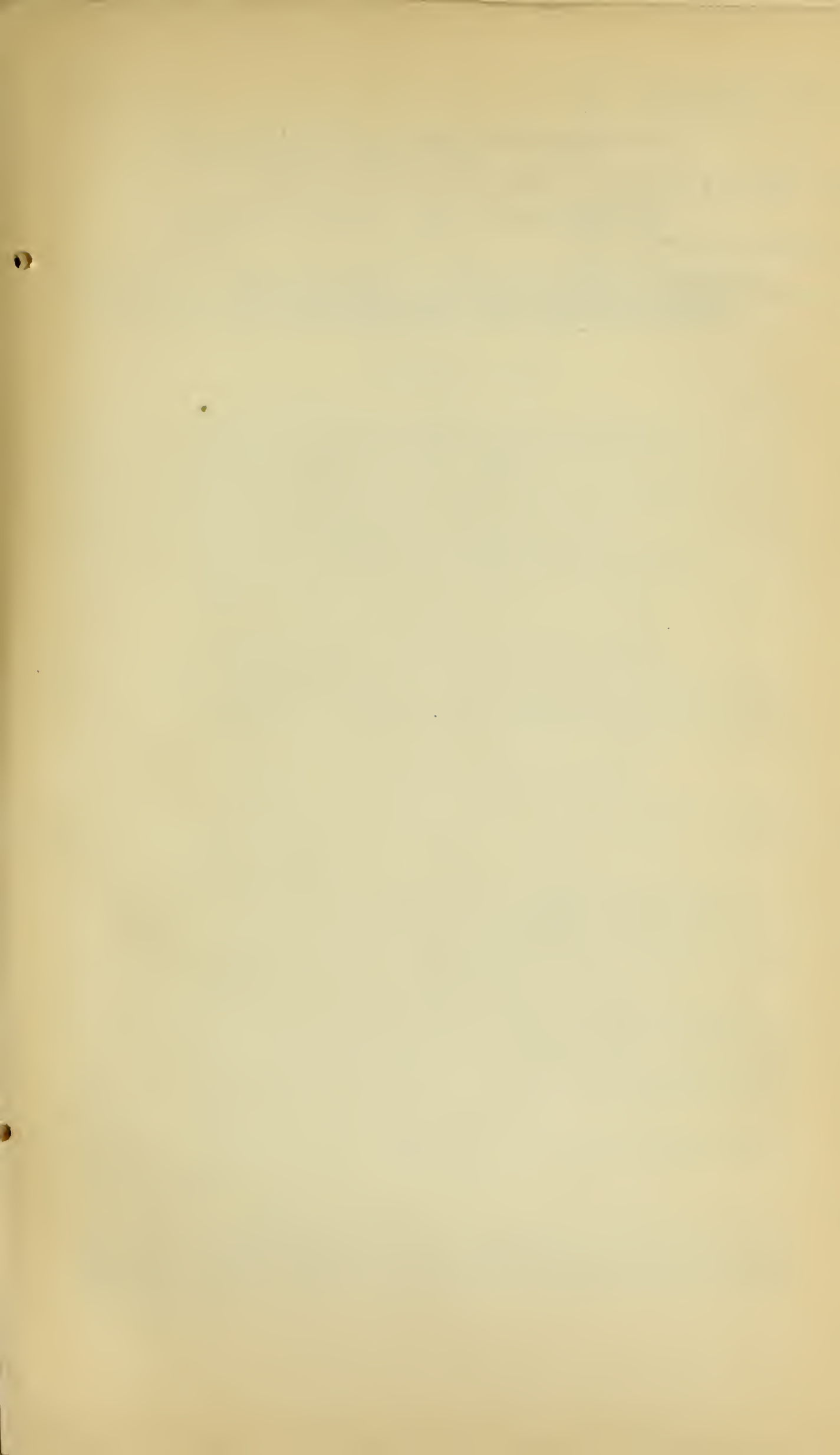
thereto, shall, when found, be seized by any such employee, or by any marshal or deputy marshal, and upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.]

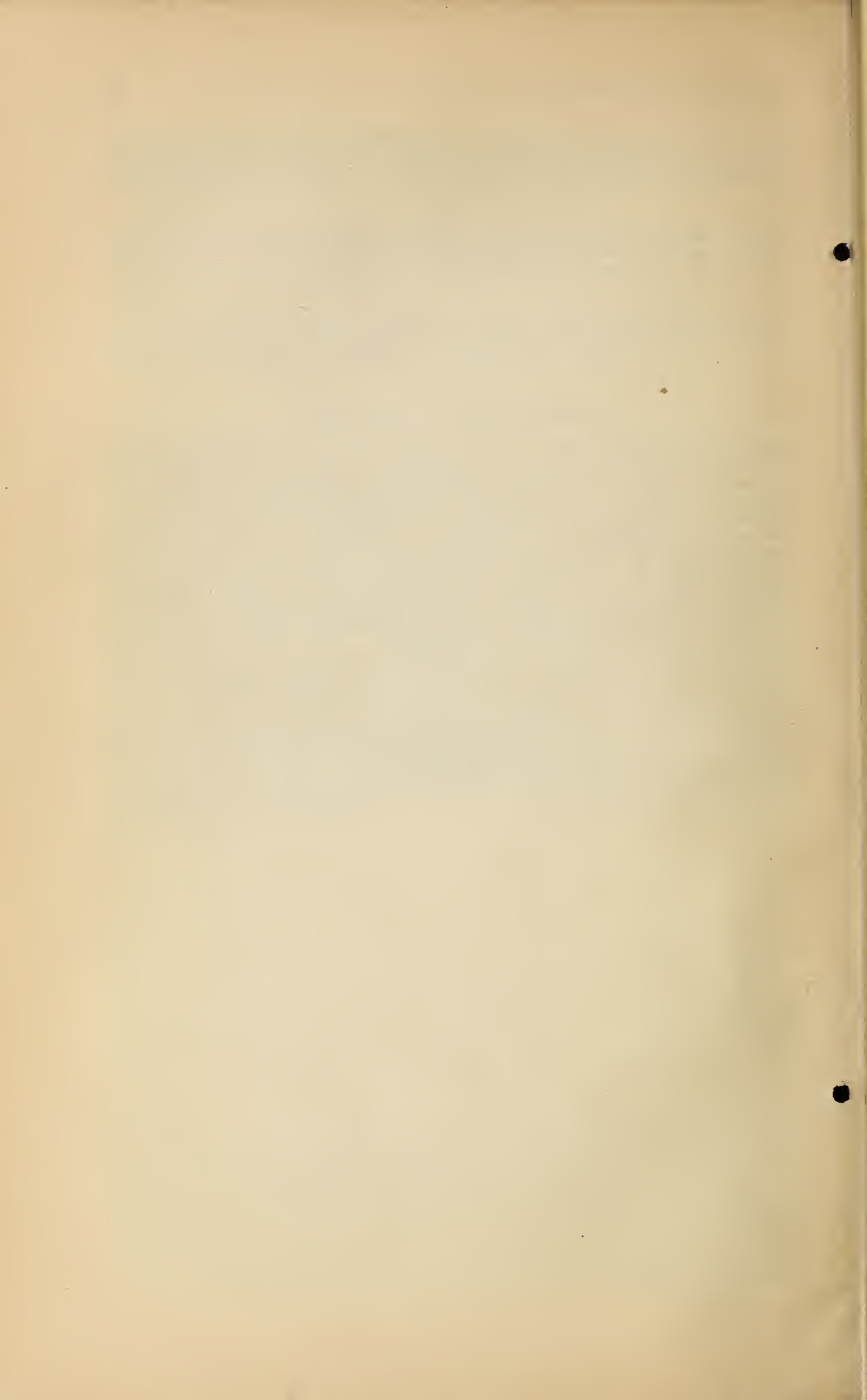
SEC. 715m. That any person, association, partnership, or corporation who shall violate or fail to comply with any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10 nor more than \$500, or be imprisoned not more than six months, or both.

SEC. 715n. That for the purposes of this Act the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires. (Act approved February 18, 1929, 45 Stat. 1222.)

TRANSFER OF JURISDICTION

The act of May 31, 1920 (U. S. Code, title 48, sec. 229; 41 Stat. 716), provides that "hereafter the powers and duties heretofore conferred upon the Secretary of Commerce by existing law, proclamations, or Executive orders with respect to any mink, marten, beaver, land otter, muskrat, fox, wolf, wolverine, weasel, or other land fur-bearing animals in Alaska, and with respect to the leasing of certain islands in Alaska for the propagation of fur-bearing animals, are hereby conferred upon, and shall be exercised by, the Secretary of Agriculture, and the powers and duties conferred upon the Secretary of Agriculture by existing law, with respect to walruses and sea lions, are hereby conferred upon, and shall be exercised by the Secretary of Commerce: *Provided*, That nothing in this Act shall affect the powers and duties conferred upon the Secretary of Commerce by existing law, proclamations, or Executive orders with respect to fur seals and sea otters, and jurisdiction over the Pribilof Islands and the fur-bearing animals thereon; and hereafter the wardens and other officers heretofore or hereafter appointed by the Secretary of Agriculture for the protection of bird reservations in Alaska under control of the Department of Agriculture, or for the protection of fur-bearing animals in Alaska, shall have and exercise like authority and powers in the performance of their respective duties as are conferred upon game wardens by the Alaska game law of May 11, 1908 (35 Stat. 102), and by existing law upon officers and agents of the Department of Commerce employed in the salmon fisheries and fur-seal and sea-otter services in Alaska."

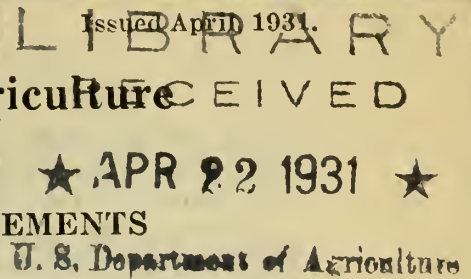




United States Department of Agriculture

BUREAU OF BIOLOGICAL SURVEY

SERVICE AND REGULATORY ANNOUNCEMENTS



MIGRATORY-BIRD TREATY-ACT REGULATIONS AND TEXT OF FEDERAL LAWS RELATING TO GAME AND BIRDS¹

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MIGRATORY-BIRD TREATY-ACT REGULATIONS

[As approved and promulgated by the President July 31, 1918, and amended October 25, 1918; July 28, 1919; July 9, 1920; March 3 and May 17, 1921; March 8, 1922; April 10 and June 11, 1923; April 11 and July 2, 1924; June 22, 1925; March 8, April 22, and June 18, 1926; April 4 and 21 and September 6, 1927; March 2, July 13, and August 16, 1928; April 23 and December 31, 1929; May 23 and August 25, 1930; and March 17, 1931.]

Regulation 1.—Definitions of Migratory Birds

Migratory birds, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, are as follows:

1. *Migratory game birds:*

- (a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidae, or rails, including coots, gallinules, and sora and other rails.
- (d) Limicolae, or shore birds, including avocets, curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(e) Columbidae, or pigeons, including doves and wild pigeons.

2. *Migratory insectivorous birds:* Cuckoos; flickers and other woodpeckers; nighthawks or bull bats and whip-poor-wills; swifts; hummingbirds; flycatchers; bobolinks, meadow larks, and orioles; grosbeaks; tanagers; martins and other swallows; waxwings; shrikes; vireos; warblers; pipits; catbirds and brown thrashers; wrens; brown creepers; nuthatches; chickadees and titmice; kinglets and gnat catchers; robins and other thrushes; and all other perching birds which feed entirely or chiefly on insects.

3. *Other migratory nongame birds:* Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters, and terns.

[As amended July 9, 1920.]

¹ Summarized information concerning open seasons on game, licenses, bag limits, possession, sale, interstate transportation, and provisions relating to imported game and game raised in captivity is published in the annual Farmers' Bulletin of the United States Department of Agriculture on the game laws, which may be had from the department upon request.

Regulation 2.—Definitions of Terms

For the purposes of these regulations the following terms shall be construed, respectively, to mean—

Secretary.—The Secretary of Agriculture of the United States.

Person.—The plural or the singular, as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

Take.—The pursuit, hunting, capture, or killing of migratory birds in the manner and by the means specifically permitted.

Open season.—The time during which migratory birds may be taken.

Transport.—Shipping, transporting, carrying, exporting, receiving or delivering for shipment, transportation, carriage, or export.

Regulation 3.—Means by Which Migratory Game Birds May be Taken

The migratory game birds specified in regulation 4 hereof may be taken during the open season with a gun only, not larger than No. 10 gauge, fired from the shoulder, except as specifically permitted by regulations 7, 8, 9, and 10 hereof; they may be taken during the open season from the land and water, with the aid of a dog, the use of decoys, and from a blind or floating device, except that in the hunting of wild geese not more than ten (10) live goose decoys may be used or shot over at any one gunning stand, blind, or floating device; but nothing herein shall be deemed to permit the use of an automobile, airplane, powerboat, sailboat, any boat under sail, any floating device towed by powerboat or sailboat, or any sinkbox (battery), except that sinkboxes (batteries) may be used in the taking of migratory waterfowl in coastal sounds and bays (including Back Bay, Princess Anne County, State of Virginia) and other coastal waters; and nothing herein shall be deemed to permit the use of an airplane, or a powerboat, sailboat, or other floating device for the purpose of concentrating, driving, rallying, or stirring up migratory waterfowl, provided, however, that the hunting, killing, or taking of mourning doves is not permitted on or over, at or near, any area which has been baited with salt, corn, wheat, or other grain or other foods placed or scattered thereon.

[As amended July 28, 1919; March 3 and May 17, 1921; April 4, 1927; March 2, 1928; April 23, 1929; and March 17, 1931.]

Regulation 4.—Open Seasons on and Possession of Certain Migratory Game Birds

For the purpose of this regulation, each period of time herein prescribed as an open season shall be construed to include the first and last days thereof.

Waterfowl (except snow geese in Florida and all States north thereof bordering on the Atlantic Ocean, Ross geese, cackling geese, wood duck, eider ducks, and swans), rails, coot, gallinules, woodcock, Wilson snipe or jacksnipe, and mourning doves may be taken each day from half an hour before sunrise to sunset during the open seasons prescribed therefor in this regulation, except that the hour for the commencement of hunting on the opening day of the season shall be 12 o'clock noon, by the means and in the numbers permitted by regulations 3 and 5 hereof, respectively, and when so taken may be possessed any day in any State, Territory, or District during the period constituting the open season where killed and for an additional period of 10 days next succeeding said open season, but no such bird shall be possessed in a State, Territory, or District at a time when such State, Territory, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the hunting or killing of migratory birds on any refuge established under the migratory bird conservation act of February 18, 1929, nor on any area of the United States set aside by any other law, proclamation, or executive order for use as a wild-life refuse except in so far as may be permitted by the Secretary of Agriculture under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the migratory bird treaty act.

Waterfowl (except snow geese in Florida and all States north thereof bordering on the Atlantic Ocean, Ross geese, cackling geese, wood duck, eider ducks, and swans), coot, and Wilson snipe or jacksnipe.—The open seasons for waterfowl (except snow geese in Florida and all States north thereof bordering on the Atlantic Ocean, Ross geese, cackling geese, wood duck, eider ducks, and swans), coot, and Wilson snipe or jacksnipe shall be as follows: In Maine, New

Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York (except Long Island), Pennsylvania, West Virginia, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, Utah, Idaho, Nevada, California, Oregon, and Washington, the open season shall be from October 1 to December 31;

In that portion of New York known as Long Island, and in New Jersey, Delaware, Oklahoma, New Mexico, Arizona, and in that portion of Texas lying west and north of a line beginning on the Rio Grande River directly west of the town of Del Rio, Tex.; thence east to the town of Del Rio; thence easterly following the center of the main track of the Southern Pacific Railroad through the towns of Spofford, Uvalde, and Hondo; thence to the point where the Southern Pacific Railroad crosses the International & Great Northern Railroad, at or near San Antonio; thence following the center of the track of said International & Great Northern Railroad in an easterly direction, to the point in the city of Austin, where it joins Congress Avenue, near the International & Great Northern Railroad depot; thence across Congress Avenue to the center of the main track of the Houston & Texas Central Railroad where said track joins said Congress Avenue, at or near the Houston & Texas Central Railroad depot; thence following the center line of the track of said Houston & Texas Central Railroad in an easterly direction through the towns of Elgin, Giddings, and Brenham, to the point where said railroad crosses the Brazos River; thence with the center of said Brazos River in a general northerly direction, to the point of said river where the Beaumont branch of the Gulf, Colorado & Santa Fe Railway crosses the same; thence with the center of the track of the said Gulf, Colorado & Santa Fe Railway in an easterly direction through the towns of Navasota, Montgomery, and Conroe, to the point at or near Cleveland, where said Gulf, Colorado & Santa Fe Railway crosses the Houston East & West Texas Railway; thence with the center of said Houston East & West Texas Railway track to the point in said line, where it strikes the Louisiana line *the open season shall be from October 16 to January 15;*

In that portion of Texas lying south and east of the line above described the open season shall be from November 1 to January 15;

In Maryland, the District of Columbia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Arkansas, and Louisiana the open season shall be from November 1 to January 15.

In Florida the open season shall be from November 20 to January 15; and

In Alaska the open season shall be from September 1 to December 15.

Rails and gallinules (except coot).—The open season for sora and other rails and gallinules (except coot) shall be from September 1 to November 30, except as follows:

In Massachusetts the open season shall be from October 1 to December 15;

In New York and Washington the open season shall be from October 1 to November 30; and

In Louisiana the open season shall be from November 1 to January 31.

Woodcock.—The open seasons for woodcock shall be as follows:

In that portion of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston & Albany Railroad extending from Albany to the Massachusetts State line, and in Maine, New Hampshire, Vermont, and North Dakota the open season shall be from October 1 to October 31;

In that portion of New York lying south of the line above described including Long Island and in New Jersey, Pennsylvania, Ohio, Indiana, Michigan, Wisconsin, and Iowa the open season shall be from October 15 to November 14;

In Massachusetts, Rhode Island, and Connecticut the open season shall be from October 20 to November 19;

In Maryland, the District of Columbia, and Missouri the open season shall be from November 10 to December 10;

In Delaware, Virginia, West Virginia, Kentucky, Arkansas, and Oklahoma the open season shall be from November 15 to December 15; and

In North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana the open season shall be from December 1 to December 31.

Doves.—The open seasons for mourning doves shall be as follows:

In Delaware, Maryland, Virginia, Tennessee, Kentucky, Illinois, Minnesota, Nebraska, Kansas, Missouri, Arkansas, Oklahoma, New Mexico, Utah, Arizona, California, Nevada, Idaho, and Oregon the open season shall be from September 1 to December 15.

In that portion of Texas lying west and north of a line beginning on the Rio Grande River directly west of the town of Del Rio, Tex.; thence east to the town of Del Rio; thence easterly following the center of the main track of the Southern Pacific Railroad through the towns of Spofford, Uvalde, and Hondo; thence to the point where the Southern Pacific Railroad crosses the International & Great Northern Railroad, at or near San Antonio; thence following the center of the track of said International & Great Northern Railroad in an easterly direction, to the point in the city of Austin where it joins Congress Avenue, near the International & Great Northern Railroad depot; thence across said Congress Avenue to the center of the main track of the Houston & Texas Central Railroad where said track joins said Congress Avenue, at or near the Houston & Texas Central Railroad depot; thence following the center line of the track of said Houston & Texas Central Railroad in an easterly direction through the towns of Elgin, Giddings, and Brenham, to the point where said railroad crosses the Brazos River; thence with the center of said Brazos River in a general northerly direction, to the point on said river where the Beaumont branch of the Gulf, Colorado & Santa Fe Railway crosses the same; thence with the center of the track of the said Gulf, Colorado & Santa Fe Railroad, in an easterly direction through the towns of Navasota, Montgomery, and Conroe, to the point at or near Cleveland, where said Gulf, Colorado & Santa Fe Railroad crosses the Houston East & West Texas Railway; thence with the center of said Houston East & West Texas Railway track to the point in said line, where it strikes the Louisiana line *the open season shall be from September 1 to October 31;*

In that portion of Texas lying south and east of the line above described the open season shall be from October 1 to November 30;

In South Carolina, Georgia, Alabama (except in Mobile and Baldwin Counties), Mississippi, and Louisiana the open season shall be from September 1 to September 30 and from November 20 to January 31;

In that portion of Alabama comprising Mobile and Baldwin Counties the open season shall be from November 1 to January 31;

In North Carolina the open season shall be from November 20 to January 31; and

In Florida (except in Dade, Monroe, and Broward Counties) the open season shall be from November 20 to January 31.

In that portion of Florida comprising Dade, Monroe, and Broward Counties the open season shall be from September 16 to November 15.

[As amended October 25, 1918; July 28, 1919; July 9, 1920; May 17, 1921; March 8, 1922; June 11, 1923; April 11 and July 2, 1924; June 22, 1925; March 8, April 22, and June 18, 1926; April 4 and 21 and September 6, 1927; March 2, July 13, and August 16, 1928; April 23 and December 31, 1929; May 23 and August 25, 1930; and March 17, 1931.]

Regulation 5.—Daily Bag and Possession Limits on Certain Migratory Game Birds

A person may take in any one day during the open seasons prescribed therefor in regulation 4 not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking migratory birds; and in the case of ducks, geese, and brant when so taken these may be possessed in the numbers specified as follows:

Ducks (except wood ducks and eider ducks).—Fifteen in the aggregate of all kinds, and any person at any one time may possess not more than 30 ducks in the aggregate of all kinds.

Geese (except snow geese in Florida and all States north thereof bordering on the Atlantic Ocean, Ross geese, and cackling geese) and brant.—Four in the aggregate of all kinds, and any person at any one time may possess not more than eight geese and brant in the aggregate of all kinds.

Rails and gallinules (except sora and coot).—Twenty-five in the aggregate of all kinds, but not more than 15 of any one species.

Sora.—Twenty-five.

Coot.—Twenty-five.

Wilson snipe or jacksnipe.—Twenty.

Woodcock.—Four.

Doves (mourning).—Twenty-five.

[As amended October 25, 1918; July 28, 1919; March 3, 1921; March 8, 1926; April 4, 1927; December 31, 1929; and March 17, 1931.]

Regulation 6.—Shipment, Transportation, and Possession of Certain Migratory Game Birds

Waterfowl (except snow geese in Florida and all States north thereof bordering on the Atlantic Ocean, Ross geese, cackling geese, wood duck, eider ducks, and swans), rails, coot, gallinules, woodcock, Wilson snipe or jacksnipe, and mourning doves and parts thereof legally taken may be transported in or out of the State where taken during the respective open seasons in that State, and may be imported from Canada during the open season in the Province where taken, in any manner, but not more than the number thereof that may be taken in two days by one person under these regulations shall be transported by one person in one calendar week out of the State where taken; any such migratory game birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed 5 days, necessary to deliver the same to their destination, and may be possessed in any State, Territory, or District during the period constituting the open season where killed, and for an additional period of 10 days next succeeding said open season; and any package in which migratory game birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds contained therein clearly and conspicuously marked on the outside thereof; but no such birds shall be transported from any State, Territory, or District to or through another State, Territory, or District or to or through a Province of the Dominion of Canada contrary to the laws of the State, Territory, or District, or Province of the Dominion of Canada in which they were taken or from which they are transported; nor shall any such birds be transported into any State, Territory, or District from another State, Territory, or District, or from any State, Territory, or District into any Province of the Dominion of Canada at a time when such State, Territory, or District, or Province of the Dominion of Canada prohibits the possession or transporting thereof.

[As amended October 25, 1918; July 9, 1920; March 8, 1926; April 4, 1927; and March 17, 1931.]

Regulation 7.—Taking of Certain Migratory Nongame Birds by Eskimos and Indians in Alaska

In Alaska Eskimos and Indians may take for the use of themselves and their immediate families, in any manner and at any time, and possess and transport auks, auklets, guillemots, murre, and puffins and their eggs for food and their skins for clothing.

Regulation 8.—Permits to Propagate and Sell Migratory Waterfowl

1. A person may take in any manner and at any time migratory waterfowl and their eggs for propagating purposes when authorized by a permit issued by the Secretary. Waterfowl and their eggs so taken may be possessed by the permittee and may be sold and transported by him for propagating purposes to any person holding a permit issued by the Secretary in accordance with the provisions of this regulation.

2. A person authorized by a permit issued by the Secretary may possess, buy, sell, and transport migratory waterfowl and their increase and eggs in any manner and at any time for propagating purposes; and migratory waterfowl, except the birds taken under paragraph 1 of this regulation, so possessed may be killed by him at any time, in any manner, except that they may be killed by shooting only during the open season for waterfowl in the State where killed, and the carcasses, with heads and feet attached thereto, of the birds so killed may be sold and transported by him in any manner and at any time to any person for actual consumption, or to the keeper of a hotel, restaurant, or boarding house, retail dealer in meat or game, or a club, for sale or service to their patrons, who may possess such carcasses for actual consumption without a permit, but no migratory waterfowl killed by shooting shall be bought or sold unless each bird before attaining the age of 4 weeks shall have had removed from the web of one foot a portion thereof in the form of a V large enough to make a permanent, well-defined mark, which shall be sufficient to identify it as a bird raised in domestication under a permit.

3. Any package in which such waterfowl or parts thereof or their eggs are transported shall have plainly and conspicuously marked on the outside thereof the name and address of the permittee, the number of his permit, the name and address of the consignee, and an accurate statement of the number and kinds of birds or eggs contained therein.

4. Applications for permits must be addressed to the Secretary of Agriculture, Washington, D. C., and must contain the following information: Name and address of applicant; place where the business is to be carried on; number of acres of land used in the business and whether owned or leased by the applicant; number of each species of waterfowl in possession of applicant; names of species and number of birds or eggs of each species if permission is asked to take waterfowl or their eggs; and the particular locality where it is desired to take such waterfowl or eggs.

5. A person granted a permit under this regulation shall keep books and records which shall correctly set forth the total number of each species of waterfowl and their eggs possessed on the date of application for the permit and on the 1st day of each January next following; also for each calendar year during the life of the permit the total number of each species reared and killed, number of each species and their eggs sold and transported, manner in which such waterfowl and eggs were transported, name and address of each person from or to whom waterfowl and eggs were purchased or sold, together with the number and species and whether sold alive or dead; and the date of each transaction. A report setting forth this information shall be annually furnished the Secretary during the month of January for the preceding calendar year.

6. A permittee shall at all reasonable hours allow any authorized employee of the United States Department of Agriculture to enter and inspect the premises where operations are being carried on under this regulation and to inspect the books and records of such permittee relating thereto.

7. A permit issued under this regulation shall be valid until revoked by the Secretary unless otherwise specified therein, shall not be transferable, and may be revoked by the Secretary, if the permittee violates any of the provisions of the migratory bird treaty act or of the regulations thereunder. A permit duly revoked by the Secretary shall be surrendered to him by the person to whom it was issued, on demand of any employee of the United States Department of Agriculture duly authorized to enforce the provisions of the migratory bird treaty act.

8. A person may possess and transport for his own use, without a permit, live migratory waterfowl now lawfully possessed or hereafter lawfully acquired by him, but he may not purchase or sell such waterfowl without a permit. A State or municipal game farm or city park may possess, purchase, sell, and transport live migratory waterfowl without a permit, but no such waterfowl shall be purchased from or sold to a person (other than such State or municipal game farm or city park) unless he has a permit. The feathers of wild ducks and wild geese lawfully killed and feathers of such birds seized and condemned by Federal or State game authorities may be possessed, bought, sold, and transported, for use in making fishing flies, bed pillows, and mattresses, and for similar commercial purposes, but not for millinery or ornamental purposes.

[As amended October 25, 1918; July 9, 1920; and April 10 and June 11, 1923.]

Regulation 9.—Permits to Collect Migratory Birds for Scientific Purposes

A person may take in any manner and at any time migratory birds and their nests and eggs for scientific purposes when authorized by a permit issued by the Secretary, which permit shall be carried on his person when he is collecting specimens thereunder and shall be exhibited to any person requesting to see the same, except that nothing herein shall be deemed to permit the taking of any migratory game bird on any day from sunset to one-half hour before sunrise.

Application for a permit must be addressed to the Secretary of Agriculture, Washington, D. C., and must contain the following information: Name and address of applicant, his age, and name of State, Territory, or District in which specimens are proposed to be taken, and the purpose for which they are intended. Each application shall be accompanied by two certificates certifying to the fitness of such person to hold a Federal permit. These certificates will be accepted from well-known ornithologists, principals or superintendents of educational or zoological institutions, officials or members of zoological or natural-history organizations, or instructors in zoology in high schools, colleges,

or universities, or by any one of the above together with a certificate by the chief game official of the State in which the applicant is a resident or of the State in which he desires to conduct his operations.

The permit may limit the number and species of birds, birds' nests, or eggs that may be collected thereunder, and may authorize the holder thereof to possess, buy, sell, exchange, and transport in any manner and at any time migratory birds, parts thereof, and their nests and eggs for scientific purposes; or it may limit the holder to one or more of these privileges. Public museums, zoological parks and societies, and public, scientific, and educational institutions may possess, buy, sell, exchange, and transport in any manner and at any time migratory birds and parts thereof and their nests and eggs for scientific purposes without a permit, but no specimens shall be taken without a permit. The plumage and skins of migratory game birds legally taken may be possessed and transported by a person without a permit.

A taxidermist, when authorized by a permit issued by the Secretary, may possess, buy, sell, exchange, and transport in any manner and at any time migratory birds and parts thereof legally taken, or he may be limited to one or more of these privileges. A taxidermist granted a permit under this regulation shall keep books and records correctly setting forth the name and address of each person delivering each specimen of a migratory bird to him together with the name of each species, the date of delivery, the disposition of such specimen, and the date thereof, which said books and records shall be available for inspection at all reasonable hours on request by any duly authorized representative of the Department of Agriculture.

Each permit shall be valid until revoked by the Secretary unless otherwise specified therein, shall not be transferable, and shall be revocable at the discretion of the Secretary. A permit duly revoked by the Secretary shall be surrendered to him by the person to whom it was issued, on demand of any employee of the United States Department of Agriculture duly authorized to enforce the provisions of the migratory bird treaty act. A person holding a permit under this regulation shall report annually to the Secretary on or before the 10th day of January during the life of the permit the number of skins, nests, or eggs of each species collected, bought, sold, received, possessed, mounted, exchanged, or transported during the preceding calendar year.

Every package in which migratory birds or their nests or eggs are transported shall have clearly and conspicuously marked on the outside thereof the name and address of the sender, the number of the permit in every case when a permit is required, the name and address of the consignee, a statement that it contains specimens of birds, their nests, or eggs for scientific purposes, and, whenever such a package is transported or offered for transportation from the Dominion of Canada into the United States or from the United States into the Dominion of Canada, an accurate statement of the contents.

[As amended October 25, 1918; March 3, 1921; June 11, 1923; April 23, 1929; and March 17, 1931.]

Regulation 10.—Permits to Kill Migratory Birds Injurious to Property

When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times and by what means. Upon his determination an appropriate order will be made.

Regulation 11.—State Laws for the Protection of Migratory Birds

Nothing in these regulations shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds, their nests, and eggs contrary to the laws and regulations of any State, or Territory, or District made for the purpose of giving further protection to migratory birds, their nests, and eggs when such laws and regulations are not inconsistent with the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, or the migratory bird treaty act and do not extend the open seasons for such birds beyond the dates prescribed by these regulations.

[Added by proclamation of October 25, 1918, as amended July 9, 1920.]

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN
FOR THE PROTECTION OF MIGRATORY BIRDS IN THE UNITED
STATES AND CANADA ²

[39 Stat. 1702]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Ireland for the protection of migratory birds in the United States and Canada was concluded and signed by their respective plenipotentiaries at Washington on the 16th day of August, 1916, the original of which convention is word for word as follows:

Whereas many species of birds in the course of their annual migrations traverse certain parts of the United States and the Dominion of Canada; and

Whereas many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops, in both the United States and Canada, but are nevertheless in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or harmless, have resolved to adopt some uniform system of protection which shall effectively accomplish such objects and to the end of concluding a convention for this purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. Sir Cecil Arthur Spring Rice, G. C. V. O., K. C. M. G., etc., His Majesty's ambassador extraordinary and plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and adopted the following articles:

Article I

The high contracting powers declare that the migratory birds included in the terms of this convention shall be as follows:

1. Migratory game birds:

- (a) Anatidae or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidae or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidae or rails, including coots, gallinules, and sora and other rails.
- (d) Limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

- (e) Columbidae or pigeons, including doves and wild pigeons.

2. Migratory insectivorous birds: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull-bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, wax-wings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other migratory nongame birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters, and terns.

Article II

The high contracting powers agree that, as an effective means of preserving migratory birds, there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities.

² Signed at Washington, Aug. 16, 1916; ratification advised by the Senate Aug. 29, ratified by the President Sept. 1, and by Great Britain Oct. 20; ratifications exchanged Dec. 7; proclaimed Dec. 8, 1916.

1. The close season on migratory game birds shall be between March 10 and September 1, except that the close season on the Limicolae or shorebirds in the Maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months as the high contracting powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murre, and puffins, and their eggs, for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

Article III

The high contracting powers agree that during the period of 10 years next following the going into effect of this convention there shall be a continuous close season on the following migratory game birds, to wit:

Band-tailed pigeons, little brown, sandhill, and whooping cranes, swans, curlew, and all shorebirds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs); provided that during such 10 years the close seasons on cranes, swans, and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this convention for the respective groups to which these birds belong.

Article IV

The high contracting powers agree that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least 5 years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

Article V

The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the high contracting powers may severally deem appropriate.

Article VI

The high contracting powers agree that the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation from the United States into the Dominion of Canada or from the Dominion of Canada into the United States, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

Article VII

Permits to kill any of the above-named birds, which under extraordinary conditions may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the high contracting powers under suitable regulations prescribed therefor by them, respectively, but such permits shall lapse or may be canceled at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold, or offered for sale.

Article VIII

The high contracting powers agree themselves to take, or propose to their respective appropriate law-making bodies, the necessary measures for insuring the execution of the present convention.

Article IX

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible, and the convention shall take effect on the date of the exchange of the ratifications. It shall remain in force for 15 years, and in the event of neither of the high contracting powers having given notification 12 months before the expiration of said period of 15 years of its intention of terminating its operation, the convention shall continue to remain in force for 1 year and so on from year to year.

In faith whereof, the respective plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their seals.

Done at Washington this 16th day of August, 1916.

[SEAL.]

ROBERT LANSING.

[SEAL.]

CECIL SPRING RICE.

And whereas the said convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the 7th day of December, 1916:

Now, therefore, be it known that I, WOODROW WILSON, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 8th day of December in the year of our Lord 1916, and of the independence of the United States of America the 141st.

[SEAL.]

WOODROW WILSON.

By the President:

ROBERT LANSING.

Secretary of State.

MIGRATORY BIRD TREATY ACT³

[Act of July 3, 1918. 40 Stat. 755—U. S. Code, Title 16, Secs. 703-711.]

An Act To give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August 16, 1916, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be known by the short title of the "Migratory Bird Treaty Act."

SEC. 2. That unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time or in any manner, any migratory bird, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, or any part, nest, or egg of any such bird.

SEC. 3. That, subject to the provisions and in order to carry out the purposes of the convention, the Secretary of Agriculture is authorized and directed, from

³ Constitutionality of the treaty and act of July 3, 1918, sustained by the United States Supreme Court in a decision rendered Apr. 19, 1920, in the case of the State of Missouri *v.* Ray P. Holland (252 U. S. 416); see also *U. S. v. Lumpkin* (276 Fed. 580). Canada, by an act of Parliament approved Aug. 29, 1917, gave full effect to the treaty and promulgated regulations thereunder May 11, 1918. The validity of the act of the Dominion Parliament was upheld by the Supreme Court of Prince Edward Island in a decision (Michaelmas term, 1920) rendered in the case of the King *v.* Russell C. Clark. For full text of the Canadian migratory-bird treaty act and regulations, communicate with the Commissioner, National Parks of Canada, Ottawa, Ontario.

time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the convention to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President.

SEC. 4. That it shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or District to or through another State, Territory, or District, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or District in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried.

SEC. 5. That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act shall have power, without warrant, to arrest any person committing a violation of this act in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this act; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulations made pursuant thereto shall, when found, be seized by any such employee, or by any marshal, or deputy marshal, and, upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

SEC. 6. That any person, association, partnership, or corporation who shall violate any of the provisions of said convention or of this act, or who shall violate or fail to comply with any regulation made pursuant to this act, shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both.

SEC. 7. That nothing in this act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of said convention or of this act, or from making or enforcing laws or regulations which shall give further protection to migratory birds, their nests, and eggs, if such laws or regulations do not extend the open seasons for such birds beyond the dates approved by the President in accordance with section three of this act.

SEC. 8. That until the adoption and approval, pursuant to section 3 of this act, of regulations dealing with migratory birds and their nests and eggs, such migratory birds and their nests and eggs as are intended and used exclusively for scientific or propagating purposes may be taken, captured, killed, possessed, sold, purchased, shipped, and transported for such scientific or propagating purposes if and to the extent not in conflict with the laws of the State, Territory, or District in which they are taken, captured, killed, possessed, sold, or purchased, or in or from which they are shipped or transported if the packages containing the dead bodies or the nests or eggs of such birds when shipped and transported shall be marked on the outside thereof so as accurately and clearly to show the name and address of the shipper and the contents of the package.

SEC. 9. That the unexpended balances of any sums appropriated by the agricultural appropriation acts for the fiscal years 1917 and 1918, for enforcing the provisions of the act approved March 4, 1913, relating to the protection of migratory game and insectivorous birds, are hereby reappropriated and made available until expended for the expenses of carrying into effect the provisions

of this act and regulations made pursuant thereto, including the payment of such rent, and the employment of such persons and means, as the Secretary of Agriculture may deem necessary, in the District of Columbia and elsewhere, cooperation with local authorities in the protection of migratory birds, and necessary investigations connected therewith: *Provided*, That no person who is subject to the draft for service in the Army or Navy shall be exempted or excused from such service by reason of his employment under this act.

SEC. 10. That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 11. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 12. Nothing in this act shall be construed to prevent the breeding of migratory game birds on farms and preserves and the sale of birds so bred under proper regulations for the purpose of increasing the food supply.

SEC. 13. That this act shall become effective immediately upon its passage and approval.

LACEY ACT, REGULATING INTERSTATE COMMERCE IN WILD ANIMALS⁴

Federal laws affecting the shipment of wild animals comprise statutes regulating interstate commerce by common carrier in the dead bodies or parts thereof, and the importation of live birds and mammals from foreign countries, as follows:

[U. S. Code, Title 18, Criminal Code and Criminal Procedure]

SEC. 391. The importation into the United States, or any Territory or District thereof, of the mongoose, the so-called "flying foxes," or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals, shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. No person shall import into the United States or into any Territory or District thereof any foreign wild animal or bird, except under special permit from the Secretary of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural-history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of Agriculture may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.⁵ (Act of March 4, 1909, sec. 241—35 Stat. 1137.)

SEC. 392. It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier to transport from any State, Territory, or District of the United States to any other State, Territory, or District thereof, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds,⁶ where such animals or birds have been killed or shipped in violation of the laws of the State, Territory, or District in which the same were killed, or from which they were shipped: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are captured or killed. (Act of March 4, 1909, sec. 242—35 Stat. 1137.)

⁴ For secs. 2, 3, and 4 of the act of May 25, 1900—31 Stat. 187-188—which was superseded by secs. 241-244 of the act of March 4, 1909—35 Stat. 1137—see secs. 391-394 of U. S. Code, title 18; for sec. 5 of the act of May 25, 1900, see sec. 395 of title 18; and for sec. 1, see sec. 701 of title 16.

⁵ See joint regulations (S. R. A.—B. S. 69), effective November 21, 1927, governing the importation of bobwhite quail from Mexico, copies of which may be obtained free of charge from the U. S. Department of Agriculture, Washington, D. C.

⁶ See sec. 4 of the migratory bird treaty act, p. 11, which supersedes this part of the Lacey Act relative to the interstate transportation of wild birds.

SEC. 393. All packages containing the dead bodies, or the plumage, or parts thereof, of game animals, or game or other wild birds, when shipped in interstate or foreign commerce, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on an inspection of the outside of such package. (Act of March 4, 1909, sec. 243—35 Stat. 1137.)

SEC. 394. For each evasion or violation of any provision of the three sections last preceding the shipper shall be fined not more than \$200; the consignee knowingly receiving such articles so shipped and transported in violation of said sections shall be fined not more than \$200; and the carrier knowingly carrying or transporting the same in violation of said sections shall be fined not more than \$200. (Act of March 4, 1909, sec. 244—35 Stat. 1138.)

SEC. 395. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl. (Act of May 25, 1900, sec. 5—31 Stat. 188.)

[U. S. Code, Title 16, Conservation]

SEC. 701. That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this act, and shall expend for said purposes such sums as Congress may appropriate therefor. (Act of May 25, 1900, sec. 1—31 Stat. 187.)

LAW PROTECTING WILD ANIMALS AND BIRDS AND THEIR EGGS AND GOVERNMENT PROPERTY ON FEDERAL REFUGES

[U. S. Code, Title 18, Criminal Code and Criminal Procedure]

SEC. 145. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than \$500, or imprisoned not more than six months, or both. (Act of March 4, 1909, sec. 84, as amended April 15, 1924, 43 Stat. 98.)

[U. S. Code, Supplement IV, Title 16, Conservation]

SEC. 715i. No person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this chapter, or cut, burn, or destroy any timber, grass, or other natural

growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture; nor shall any person take any bird, or nest or egg thereof on any area acquired under this chapter, except for scientific or propagating purposes under permit of the Secretary of Agriculture; but nothing in this chapter or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this chapter for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area. (Act of February 18, 1929, sec. 10—45 Stat. 1222.)

HUNTING ON NATIONAL FORESTS

Regulation T-7, effective October 1, 1919, of the Regulations of the Forest Service relative to National Forests, provides as follows:

The following acts are prohibited on lands of the United States within national forests:

The going or being upon any such land, or in or on the waters thereof, with intent to hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or to take the eggs of any such bird, in violation of the laws of the State in which such land or waters are situated.

Regulation G-30 authorizes all forest officers to enforce the above regulation and also to cooperate with State or Territorial officials in the enforcement of local laws for the protection of birds, fish, and game.

FIRES ON PUBLIC DOMAIN

[Act of March 4, 1909—U. S. Code, Title 18, Criminal Code and Criminal Procedure]

SEC. 106. Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than \$5,000, or imprisoned not more than two years, or both.

SEC. 107. Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

PROVISIONS OF TARIFF ACT REGULATING IMPORTATION OF PLUMAGE, GAME, ETC.

[Act of June 17, 1930—U. S. Code, Supplement IV, Title 19, Customs Duties]

Title I.—Dutiable List

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS

PAR. 704. Reindeer meat, venison and other game (except birds), fresh, chilled, or frozen, not specially provided for, 6 cents per pound.

PAR. 711. Birds, live: Chickens, ducks, geese, turkeys, and guineas, 8 cents per pound; baby chicks of poultry, 4 cents each; all other live birds not specially provided for, valued at \$5 or less each, 50 cents each; valued at more than \$5 each, 20 per centum ad valorem.

PAR. 712. Birds, dead, dressed or undressed, fresh, chilled, or frozen; Chickens, ducks, geese, and guineas, 10 cents per pound; turkeys, 10 cents per pound; all other, 10 cents per pound; all the foregoing, prepared or preserved in any manner and not specially provided for, 10 cents per pound.

PAR. 715. Live animals, vertebrate and invertebrate, not specially provided for, 15 per centum ad valorem.

SCHEDULE 15.—SUNDRIES

PAR. 1518. Feathers and downs, on the skin or otherwise, crude or not dressed, colored, or otherwise advanced or manufactured in any manner, not specially provided for, 20 per centum ad valorem; dressed, colored, or otherwise advanced or manufactured in any manner, including quilts of down and other manufactures of down, 60 per centum ad valorem; feather dusters, 45 per centum ad valorem; artificial or ornamental feathers suitable for use as millinery ornaments, 60 per centum ad valorem; * * * and all articles not specially provided for, composed wholly or in chief value of any of the feathers, * * * above mentioned, shall be subject to the rate of duty provided in this paragraph for such materials, but not less than 60 per centum ad valorem: *Provided*, That the importation of birds of paradise, aigrettes, egret plumes or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, and not for scientific or educational purposes, is hereby prohibited; but this provision shall not apply to the feathers or plumes of ostriches or to the feathers or plumes of domestic fowls of any kind: *Provided further*, That birds of paradise, and the feathers, quills, heads, wings, tails, skins, or parts thereof, and all aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, of like kind to those the importation of which is prohibited by the foregoing provisions of this paragraph, which may be found in the United States, on and after the passage of this Act, except as to such plumage or parts of birds in actual use for personal adornment, and except such plumage, birds or parts thereof imported therein for scientific or educational purposes, shall be presumed for the purpose of seizure to have been imported unlawfully after October 3, 1913, and the collector of customs shall seize the same unless the possessor thereof shall establish, to the satisfaction of the collector that the same were imported into the United States prior to October 3, 1913, or as to such plumage or parts of birds that they were plucked or derived in the United States from birds lawfully therein; and in case of seizure by the collector, he shall proceed as in case of forfeiture for violation of the customs laws, and the same shall be forfeited, unless the claimant shall, in any legal proceeding to enforce such forfeiture, other than a criminal prosecution, overcome the presumption of illegal importation and establish that the birds or articles seized, of like kind to those mentioned the importation of which is prohibited as above, were imported into the United States prior to October 3, 1913, or were plucked in the United States from birds lawfully therein.

That whenever birds or plumage, the importation of which is prohibited by the foregoing provisions of this paragraph, are forfeited to the Government, the Secretary of the Treasury is hereby authorized to place the same with the departments or bureaus of the Federal or State Governments or societies or museums for exhibition or scientific or educational purposes, but not for sale or personal use; and in the event of such birds or plumage not being required or desired by either Federal or State Government or for educational purposes, they shall be destroyed.

That nothing in this Act shall be construed to repeal the provisions of the Act of March 4, 1913, chapter 145 (Thirty-seventh Statutes at Large, page 847), or the Act of July 3, 1918 (Fortieth Statutes at Large, page 755), or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States. That if on investigation by the collector before seizure, or before trial for forfeiture, or if at such trial if such seizure has been made, it shall be made to appear to the collector, or the prosecuting officer of the Government, as the case may be, that no illegal importation of such feathers has been made, but that the possession, acquisition or purchase of such feathers is or has been made in violation of the provisions of the Act of March 4, 1913, chapter 145 (Thirty-seventh Statutes at Large, page 847), or the Act of July 3, 1918 (Fortieth Statutes at Large, page 755), or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States, it shall be the duty of the collector, or such prosecuting officer, as the case may be, to report the facts to the proper officials of the United States, or State or Territory charged with the duty of enforcing such laws.

PAR. 1519. (a) Dressed furs and dressed fur skins (except silver or black fox), and plates, mats, linings, strips, and crosses of dressed dog, goat, or kid skins, 25 per centum ad valorem; all the foregoing, if dyed, 30 per centum ad valorem.

(b) Manufactures of fur (except silver or black fox) further advanced than dressing, prepared for use as material * * * if not dyed, 35 per centum ad valorem; if dyed, 40 per centum ad valorem.

(c) Silver or black fox furs or skins, dressed or undressed, not specially provided for, 50 per centum ad valorem.

(e) Articles wholly or partly manufactured (including fur collars, fur cuffs, and fur trimmings), wholly or in chief value of fur, not specially provided for, 50 per centum ad valorem.

PAR. 1520. Hatters' furs, or furs not on the skin, prepared for hatters' use, including fur skins carroated, 35 per centum ad valorem.

PAR. 1530. (c) Leather * * * made from the hides or skins of * * * reptiles and birds, 25 per centum ad valorem.

PAR. 1535. * * * any prohibition of the importation of feathers in this Act shall not be construed as applying to artificial flies used for fishing, or to feathers used for the manufacture of such flies.

Title II.—Free List

SCHEDULE 16

PAR. 1606. (a) Any animal imported by a citizen of the United States specially for breeding purposes, shall be admitted free, whether intended to be used by the importer himself or for sale for such purposes, except black or silver foxes: *Provided*, That no such animal shall be admitted free unless pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed: *Provided further*, That the certificate of such record and pedigree of such animal shall be produced and submitted to the Department of Agriculture, duly authenticated by the proper custodian of such book of record, together with an affidavit of the owner, agent, or importer that the animal imported is the identical animal described in said certificate of record and pedigree. The Secretary of Agriculture may prescribe such regulations as may be required for determining the purity of breeding and the identity of such animal: *And provided further*, That the collectors of customs shall require a certificate from the Department of Agriculture stating that such animal is pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed.

(b) The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision.

(c) * * * the provisions of this Act shall apply to all such animals as have been imported and are in quarantine or otherwise in the custody of customs or other officers of the United States at the date of the taking effect of this Act.

PAR. 1607. Animals and poultry, brought into the United States temporarily for a period not exceeding six months, for the purpose of breeding, exhibition, or competition for prizes offered by any agricultural, polo, or racing association: but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury; also teams of animals, including their harness and tackle, and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration, under such regulations as the Secretary of the Treasury may prescribe; and wild animals and birds intended for exhibition in zoological collections for scientific or educational purposes, and not for sale or profit.

PAR. 1671. Eggs of birds, fish, and insects (except fish roe for food purposes): *Provided*, That the importation of eggs of wild birds is prohibited, except eggs of game birds imported for propagating purposes under regulations prescribed by the Secretary of Agriculture, and specimens imported for scientific collections.

PAR. 1681. Furs and fur skins, not specially provided for, undressed.

PAR. 1682. Live game animals and birds, imported for stocking purposes, and game animals and birds killed in foreign countries by residents of the United States and imported by them for noncommercial purposes; under such regulations as the Secretary of Agriculture and the Secretary of the Treasury shall prescribe.

PAR. 1741. Pigeons, fancy or racing.

PAR. 1765. Skins of all kinds, raw, and hides not specially provided for.

PAR. 1767. Specimens of natural history, botany, and mineralogy, when imported for scientific public collections, and not for sale.

Title IV.—Administrative Provisions

IMPORTATION OF WILD MAMMALS AND BIRDS IN VIOLATION OF FOREIGN LAW

SEC. 527. (a) *Importation prohibited.*—If the laws or regulations of any country, dependency, province, or other subdivision of government restrict the taking, killing, possession, or exportation to the United States of any wild mammal or bird, alive or dead, or restrict the exportation to the United States of any part or product of any wild mammal or bird, whether raw or manufactured, no such mammal or bird, or part or product thereof, shall, after the expiration of ninety days after the enactment of this Act, be imported into the United States from such country, dependency, province, or other subdivision of government, directly or indirectly, unless accompanied by a certification of the United States consul, for the consular district in which is located the port or place from which such mammal or bird, or part or product thereof, was exported from such country, dependency, province, or other subdivision of government, that such mammal or bird, or part or product thereof, has not been acquired or exported in violation of the laws or regulations of such country, dependency, province, or other subdivision of government.

(b) *Forfeiture.*—Any mammal or bird, alive or dead, or any part or product thereof, whether raw or manufactured, imported into the United States in violation of the provisions of the preceding subdivision shall be subject to seizure and forfeiture under the customs laws. Any such article so forfeited may, in the discretion of the Secretary of the Treasury and under such regulations as he may prescribe, be placed with the departments or bureaus of the Federal or State Governments, or with societies or museums, for exhibition or scientific or educational purposes, or destroyed, or (except in the case of heads or horns of wild mammals) sold in the manner provided by law.

(c) *Section not to apply in certain cases.*—The provisions of this section shall not apply in the case of—

(1) *Prohibited importations.*—Articles the importation of which is prohibited under the provisions of this Act, or of section 241 of the Criminal Code, or of any other law;

(2) *Scientific or educational purposes.*—Wild mammals or birds, alive or dead, or parts or products thereof, whether raw or manufactured, imported for scientific or educational purposes;

(3) *Certain migratory game birds.*—Migratory game birds (for which an open season is provided by the laws of the United States and any foreign country which is a party to a treaty with the United States, in effect on the date of importation, relating to the protection of such migratory game birds) brought into the United States by bona fide sportsmen returning from hunting trips in such country, if at the time of importation the possession of such birds is not prohibited by the laws of such country or of the United States.

CANADIAN TARIFF ACT PROHIBITING IMPORTATION OF PLUMAGE, MONGOOSES, AND CERTAIN BIRDS

The importation of bird plumage into Canada for millinery purposes is prohibited by tariff item 1212 under Schedule C (prohibited goods), as added by section 5 of the Canadian customs tariff act of 1914. Item 1212 prohibits the entry of the following:

1212. Aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins of wild birds either raw or manufactured; but this provision shall not come into effect until January 1, 1915, and shall not apply to—

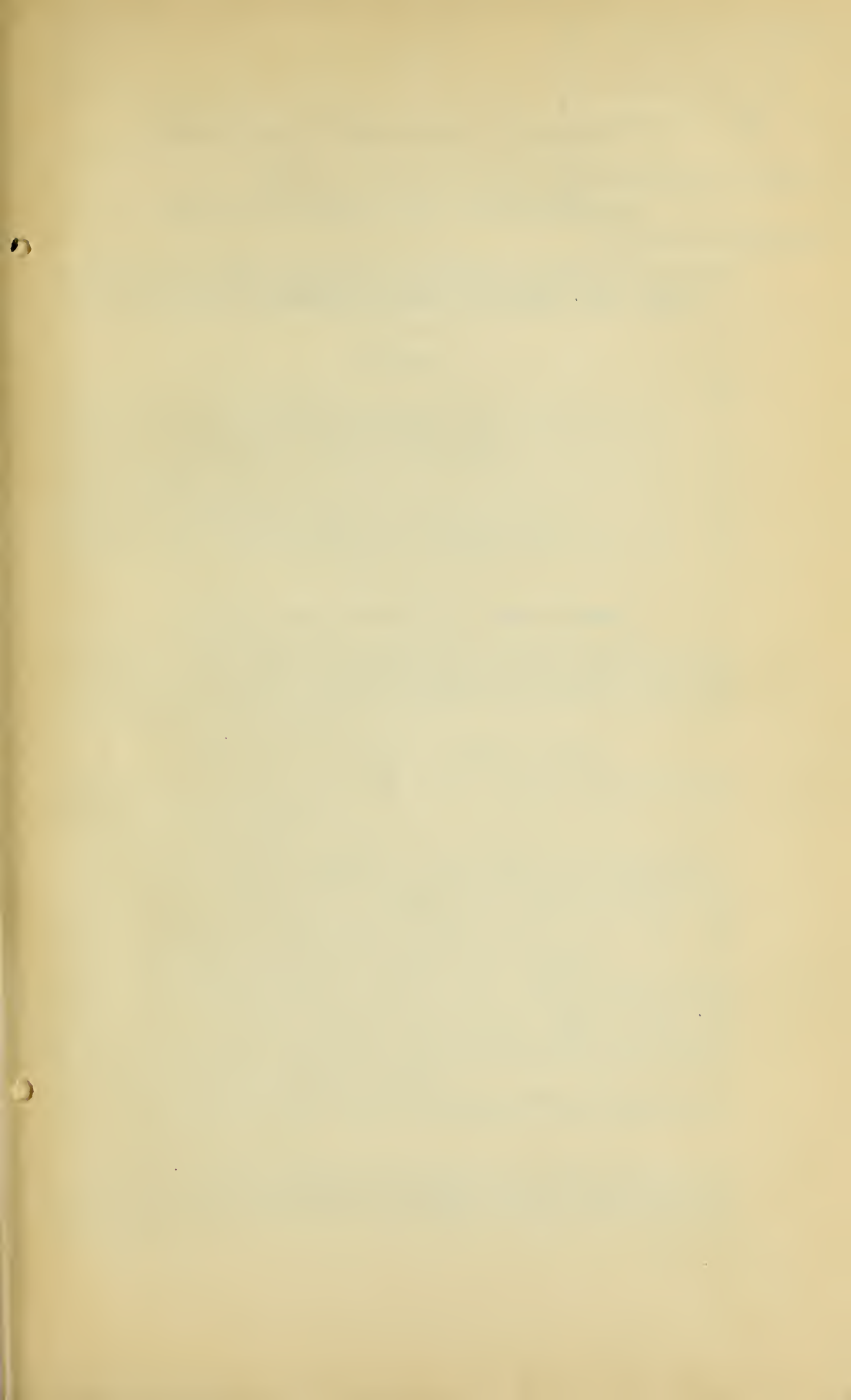
- (a) The feathers or plumes of ostriches;
- (b) The plumage of the English pheasant and the Indian peacock;
- (c) The plumage of wild birds ordinarily used as articles of diet;
- (d) The plumage of birds imported alive; nor to
- (e) Specimens imported under regulations of the minister of customs for any natural-history or other museum or for educational purposes.

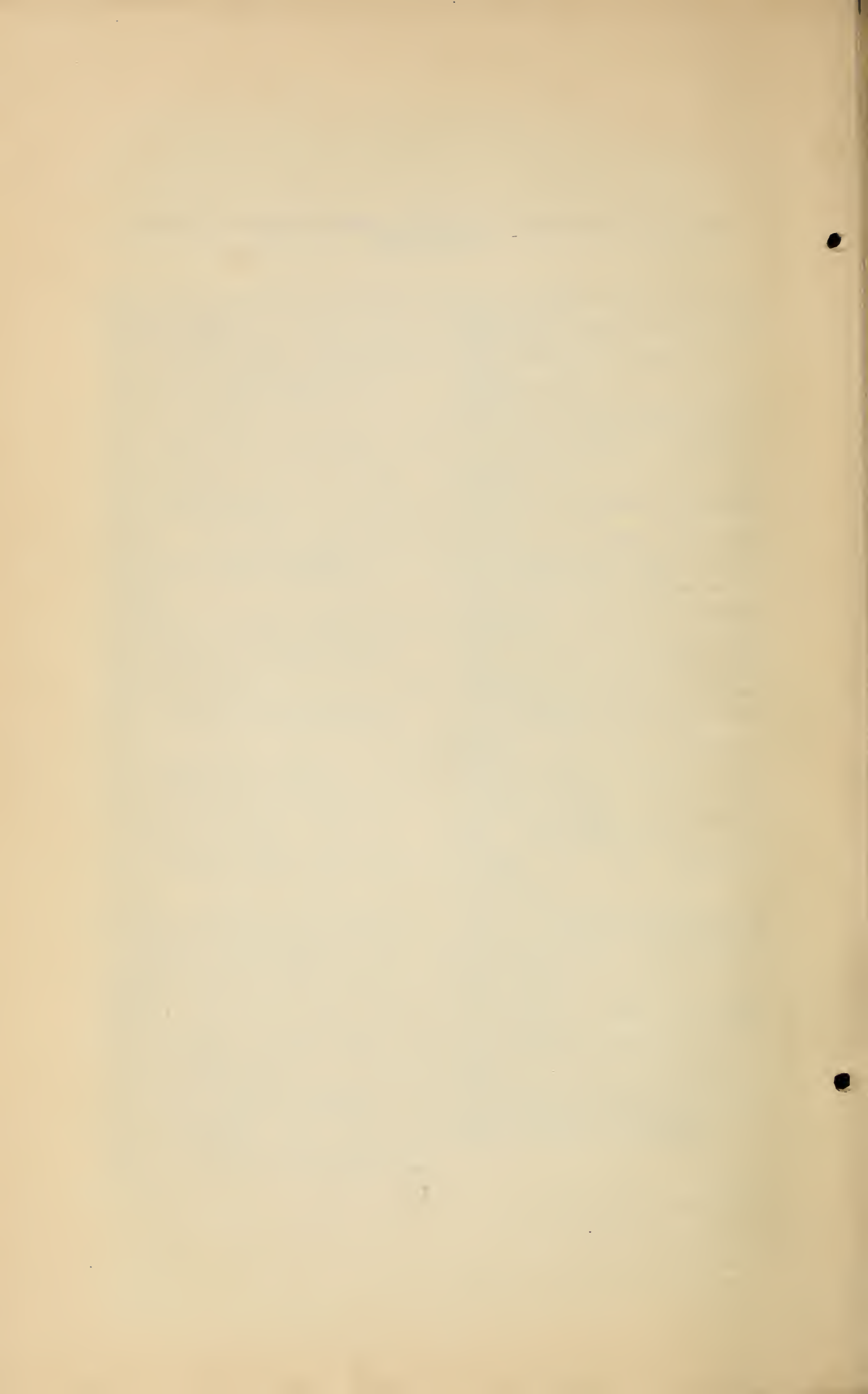
Item 1214 under Schedule C (prohibited goods), as added by the customs tariff act, effective May 24, 1922, prohibits the entry of the following:

- 1214. (a) Common mongoose (*Herpestes griseus*) or mongoose of any kind;
- (b) Common mynah, Chinese mynah, crested mynah, or any other species of the starling family (Sturnidae);
- (c) Java sparrows, rice bird, nutmeg finch, or other species of the weaver bird family (Ploceidae);
- (d) European chaffinch (*Fringilla coelebs*);
- (e) Great titmouse (*Parus major*).

OFFICIALS FROM WHOM COPIES OF GAME LAWS MAY BE OBTAINED

- Federal Laws:** Secretary of Agriculture, Washington, D. C.
- Alabama:** Department of Game and Fisheries, Montgomery.
- Alaska:** Executive Officer, Alaska Game Commission, Juneau; or Secretary of Agriculture, Washington, D. C.
- Arizona:** State Game Warden, Phoenix.
- Arkansas:** Secretary Game and Fish Commission, Little Rock.
- California:** Executive Officer, Fish and Game Commission, Russ Building, San Francisco.
- Colorado:** State Game and Fish Commissioner, Denver.
- Connecticut:** Superintendent of Fisheries and Game, Hartford.
- Delaware:** Chief Game and Fish Warden, Dover.
- District of Columbia:** Superintendent Metropolitan Police, Washington.
- Florida:** State Game Commissioner, Tallahassee.
- Georgia:** Game and Fish Commissioner, Atlanta.
- Hawaii:** Fish and Game Division, Board of Agriculture and Forestry, Honolulu.
- Idaho:** Fish and Game Warden, Boise.
- Illinois:** Director Department of Conservation, Springfield.
- Indiana:** Superintendent of Fisheries and Game, State House, Indianapolis.
- Iowa:** State Game Warden, Des Moines.
- Kansas:** State Fish and Game Warden, Pratt.
- Kentucky:** Executive Agent Game and Fish Commission, Frankfort.
- Louisiana:** Commissioner of Conservation, Court Building, New Orleans.
- Maine:** Commissioner of Inland Fisheries and Game, State House, Augusta.
- Maryland:** State Game Warden, 512 Munsey Building, Baltimore.
- Massachusetts:** Director Division of Fisheries and Game, 20 Somerset Street, Boston.
- Michigan:** Director Department of Conservation, Lansing.
- Minnesota:** Game and Fish Commissioner, Department of Conservation, St. Paul.
- Mississippi:** Secretary of State, Jackson; or Sheriff or County Clerk.
- Missouri:** Game and Fish Commissioner, Jefferson City.
- Montana:** State Fish and Game Warden, Helena.
- Nebraska:** State Game Warden, Lincoln.
- Nevada:** Secretary of State Fish and Game Commission, Reno.
- New Hampshire:** Fish and Game Commissioner, Concord.
- New Jersey:** Secretary of Board of Fish and Game Commissioners, Trenton.
- New Mexico:** State Game and Fish Warden, Santa Fe.
- New York:** Secretary Conservation Department; or Chief Game Protector, Albany.
- North Carolina:** State Game Warden, Raleigh.
- North Dakota:** Game and Fish Commissioner, Bismarck.
- Ohio:** Commissioner of Conservation, Columbus.
- Oklahoma:** State Fish and Game Warden, Oklahoma City.
- Oregon:** State Game Warden, Portland.
- Pennsylvania:** Executive Secretary Board of Game Commissioners, Harrisburg.
- Rhode Island:** Chairman Commissioners of Birds, Providence.
- South Carolina:** Chief Game Warden, Columbia.
- South Dakota:** Director Division of Game and Fish, Department of Agriculture, Pierre.
- Tennessee:** State Game and Fish Warden, Nashville.
- Texas:** Executive Officer, Game, Fish, and Oyster Commission, Austin.
- Utah:** Fish and Game Commissioner, Salt Lake City.
- Vermont:** Fish and Game Commissioner, Montpelier.
- Virginia:** Executive Secretary, Commission of Game and Inland Fisheries, Richmond.
- Washington:** Supervisor of Game and Game Fish, 404 Bell Street Terminal (P. O. Box 384), Seattle.
- West Virginia:** Game and Fish Commission, Charleston.
- Wisconsin:** Conservation Commissioner, Madison.
- Wyoming:** State Game and Fish Commission, Cheyenne.
- Canada:** Commissioner, National Parks of Canada, Ottawa.
- Alberta:** Game Commissioner, Edmonton.
- British Columbia:** Provincial Game Warden, Vancouver.
- Manitoba:** Chief Game Commissioner, Winnipeg.
- New Brunswick:** Chief Game Warden, Fredericton.
- Northwest Territories:** Director, Northwest Territories and Yukon Branch, Department of Interior, Ottawa, Ontario.
- Nova Scotia:** Minister of Lands and Forests, Halifax.
- Ontario:** Department of Game and Fisheries, Toronto.
- Prince Edward Island:** Game Inspector, Provincial Treasury Department, Charlottetown.
- Quebec:** General Superintendent of Fisheries and Game, Quebec.
- Saskatchewan:** Game Commissioner, Regina.
- Yukon:** Territorial Secretary, Dawson.
- Newfoundland:** Secretary, Game and Inland Fisheries Board, St. Johns.
- Mexico:** Secretaria de Agricultura y Fomento, San Jacinto, D. F., Mexico.





United States Department of Agriculture

BUREAU OF BIOLOGICAL SURVEY

SERVICE AND REGULATORY ANNOUNCEMENTS

MIGRATORY-BIRD TREATY-ACT REGULATIONS AND TEXT
 OF FEDERAL LAWS RELATING TO GAME AND BIRDS ¹

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MIGRATORY-BIRD TREATY-ACT REGULATIONS

[As approved and promulgated by the President July 31, 1918, and amended October 25, 1918; July 28, 1919; July 9, 1920; March 3 and May 17, 1921; March 8, 1922; April 10 and June 11, 1923; April 11 and July 2, 1924; June 22, 1925; March 8, April 22, and June 18, 1926; April 4 and 21, and September 6, 1927; March 2, July 13, and August 16, 1928; April 23 and December 31, 1929; May 23 and August 25, 1930; and March 17, August 25, and September 12, 1931.]

Regulation 1.—Definitions of Migratory Birds

Migratory birds, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, are as follows:

1. *Migratory game birds:*

- (a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidae, or rails, including coots, gallinules, and sora and other rails.
- (d) Limicolae, or shore birds, including avocets, curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(e) Columbidae, or pigeons, including doves and wild pigeons.

2. *Migratory insectivorous birds:* Cuckoos; flickers and other woodpeckers; night hawks or bull bats and whip-poor-wills; swifts; humming birds; flycatchers; bobolinks, meadow larks, and orioles; grosbeaks; tanagers; martins and other swallows; waxwings; shrikes; vireos; warblers; pipits; catbirds and brown thrashers; wrens; brown creepers; nuthatches; chickadees and titmice; kinglets and gnat catchers; robins and other thrushes; and all other perching birds which feed entirely or chiefly on insects.

3. *Other migratory nongame birds:* Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters, and terns.

[As amended July 9, 1920.]

¹ Summarized information concerning open seasons on game, licenses, bag limits, possession, sale, interstate transportation, and provisions relating to imported game and game raised in captivity is published in the annual Farmers' Bulletin of the United States Department of Agriculture on the game laws, which may be had from the department upon request.

Regulation 2.—Definitions of Terms

For the purposes of these regulations the following terms shall be construed, respectively, to mean—

Secretary.—The Secretary of Agriculture of the United States.

Person.—The plural or the singular, as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

Take.—The pursuit, hunting, capture, or killing of migratory birds in the manner and by the means specifically permitted.

Open season.—The time during which migratory birds may be taken.

Transport.—Shipping, transporting, carrying, exporting, receiving or delivering for shipment, transportation, carriage, or export.

Regulation 3.—Means by Which Migratory Game Birds May be Taken

The migratory game birds specified in regulation 4 hereof may be taken during the open season with a gun only, not larger than No. 10 gauge, fired from the shoulder, except as specifically permitted by regulations 7, 8, 9, and 10 hereof; they may be taken during the open season from the land and water, with the aid of a dog, the use of decoys, and from a blind or floating device, except that in the hunting of wild geese not more than ten (10) live goose decoys may be used or shot over at any one gunning stand, blind, or floating device; but nothing herein shall be deemed to permit the use of an automobile, airplane, powerboat, sailboat, any boat under sail, any floating device towed by powerboat or sailboat, or any sinkbox (battery), except that sinkboxes (batteries) may be used in the taking of migratory waterfowl in coastal sounds and bays (including Back Bay, Princess Anne County, State of Virginia) and other coastal waters; and nothing herein shall be deemed to permit the use of an airplane, or a powerboat, sailboat, or other floating device for the purpose of concentrating, driving, rallying, or stirring up migratory waterfowl, provided, however, that the hunting, killing, or taking of mourning doves is not permitted on or over, at or near, any area which has been baited with salt, corn, wheat, or other grain or other foods placed or scattered thereon.

[As amended July 28, 1919; March 3 and May 17, 1921; April 4, 1927; March 2, 1928; April 23, 1929; and March 17, 1931.]

Regulation 4.—Open Seasons on and Possession of Certain Migratory Game Birds

For the purpose of this regulation, each period of time herein prescribed as an open season shall be construed to include the first and last days thereof.

Waterfowl (except snow geese in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, cackling goose, wood duck, eider ducks, and swans), rails, coot, gallinules, woodcock, Wilson snipe or jacksnipe, and mourning doves may be taken each day from half an hour before sunrise to sunset during the open seasons prescribed therefor in this regulation, except that the hour for the commencement of hunting on the opening day of the season shall be 12 o'clock noon, by the means and in the numbers permitted by regulations 3 and 5 hereof, respectively, and when so taken may be possessed any day in any State, Territory, or District during the period constituting the open season where killed and for an additional period of 10 days next succeeding said open season, but no such bird shall be possessed in a State, Territory, or District at a time when such State, Territory, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the hunting or killing of migratory birds on any refuge established under the migratory bird conservation act of February 18, 1929, nor on any area of the United States set aside by any other law, proclamation, or executive order for use as a wild-life refuge except in so far as may be permitted by the Secretary of Agriculture under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the migratory bird treaty act.

Waterfowl (except snow geese in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, cackling goose, wood duck, eider ducks, and swans) and coot.—The open seasons for waterfowl (except snow geese in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, cackling goose, wood duck, eider ducks, and swans), and coot, shall be as follows: In Maine, New Hampshire, Vermont, New York (except Long Island), Pennsylvania, West Virginia, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Colorado, Wyoming, Montana, Idaho, and Utah, the open season shall be from October 1 to October 31;

In Ohio and Indiana the open season shall be from October 16 to November 15;

In Massachusetts, Connecticut, Rhode Island, and Illinois, the open season shall be from November 1 to November 30;

In Missouri, Iowa, Kansas, Nebraska, and Oklahoma, the open season shall be from October 20 to November 19;

In that portion of New York known as Long Island, and in New Jersey, Delaware, the District of Columbia, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Kentucky, Mississippi, Arkansas, Louisiana, Texas, New Mexico, Arizona, Nevada, California, Oregon, and Washington, the open season shall be from November 16 to December 15;

In Florida the open season shall be from November 20 to December 19; and

In Alaska the open season shall be from September 1 to September 30.

Wilson's snipe or jacksnipe.—The open seasons for Wilson's snipe, or jacksnipe, shall be as follows: In Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York (except Long Island), Pennsylvania, West Virginia, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, Utah, Idaho, Nevada, California, Oregon, and Washington, the open season shall be from October 1 to December 31; in that portion of New York known as Long Island, and in New Jersey, Delaware, Oklahoma, New Mexico, Arizona, and in that portion of Texas lying west and north of a line beginning on the Rio Grande River directly west of the town of Del Rio, Tex.; thence east to the town of Del Rio; thence easterly following the center of the main track of the Southern Pacific Railroad through the towns of Spofford, Uvalde, and Hondo; thence to the point where the Southern Pacific Railroad crosses the International & Great Northern Railroad at or near San Antonio; thence following the center of the track of said International & Great Northern Railroad in an easterly direction, to the point in the city of Austin, where it joins Congress Avenue, near the International & Great Northern Railroad depot; thence across Congress Avenue to the center of the main track of the Houston & Texas Central Railroad where said track joins said Congress Avenue, at or near the Houston & Texas Central Railroad depot; thence following the center line of the track of said Houston & Texas Central Railroad in an easterly direction through the towns of Elgin, Giddings, and Brenham, to the point where said railroad crosses the Brazos River; thence with the center of said Brazos River in a general northerly direction, to the point on said river where the Beaumont branch of the Gulf, Colorado & Santa Fe Railway crosses the same; thence with the center of the track of the said Gulf, Colorado & Santa Fe Railway in an easterly direction through the towns of Navasota, Montgomery, and Conroe, to the point at or near Cleveland, where said Gulf, Colorado & Santa Fe Railway crosses the Houston East & West Texas Railway; thence with the center of said Houston East & West Texas Railway track to the point in said line, where it strikes the Louisiana line *the open season shall be from October 16 to January 15*; in that portion of Texas lying south and east of the line above described the open season shall be from November 1 to January 15; in Maryland, the District of Columbia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Arkansas, and Louisiana the open season shall be from November 1 to January 15; in Florida the open season shall be from November 20 to January 15; and in Alaska the open season shall be from September 1 to December 15.

Rails and gallinules (except coot).—The open season for sora and other rails and gallinules (except coot) shall be from September 1 to November 30, except as follows:

In Massachusetts the open season shall be from October 1 to December 15;

In New York and Washington the open season shall be from October 1 to November 30; and

In Louisiana the open season shall be from November 1 to January 31.

Woodcock.—The open seasons for woodcock shall be as follows:

In that portion of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston & Albany Railroad extending from Albany to the Massachusetts State line, and in Maine, New Hampshire, Vermont, and North Dakota the open season shall be from October 1 to October 31;

In that portion of New York lying south of the line above described including Long Island and in New Jersey, Pennsylvania, Ohio, Indiana, Michigan, Wisconsin, and Iowa the open season shall be from October 15 to November 14;

In Massachusetts, Rhode Island, and Connecticut the open season shall be from October 20 to November 19;

In Maryland, the District of Columbia, and Missouri the open season shall be from November 10 to December 10;

In Delaware, Virginia, West Virginia, Kentucky, Arkansas, and Oklahoma the open season shall be from November 15 to December 15; and

In North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana the open season shall be from December 1 to December 31.

Doves.—The open seasons for mourning doves shall be as follows:

In Delaware, Maryland, Virginia, Tennessee, Kentucky, Illinois, Minnesota, Nebraska, Kansas, Missouri, Arkansas, Oklahoma, New Mexico, Utah, Arizona, California, Nevada, Idaho, and Oregon the open season shall be from September 1 to December 15.

In that portion of Texas lying west and north of a line more particularly described in the paragraph establishing the open seasons on Wilson's snipe, or jacksnipe, the open season shall be from September 1 to October 31;

In that portion of Texas lying south and east of the aforesaid line the open season shall be from October 1 to November 30;

In North Carolina, South Carolina, Georgia, Alabama (except in Mobile and Baldwin Counties), Mississippi, and Louisiana the open season shall be from September 1 to September 30 and from November 20 to January 31:

In that portion of Alabama comprising Mobile and Baldwin Counties the open season shall be from November 1 to January 31;

In Florida (except in Dade, Monroe, and Broward Counties) the open season shall be from November 20 to January 31.

In that portion of Florida comprising Dade, Monroe, and Broward Counties the open season shall be from September 16 to November 15.

[As amended October 25, 1918; July 28, 1919; July 9, 1920; May 17, 1921; March 8, 1922; June 11, 1923; April 11 and July 2, 1924; June 22, 1925; March 8, April 22, and June 18, 1926; April 4 and 21 and September 6, 1927; March 2, July 13, and August 16, 1928; April 23 and December 31, 1929; May 23 and August 25, 1930; March 17, August 25, and September 12, 1931.]

Regulation 5.—Daily Bag and Possession Limits on Certain Migratory Game Birds

A person may take in any one day during the open seasons prescribed therefor in regulation 4 not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking migratory birds; and in the case of ducks, geese, and brant when so taken these may be possessed in the numbers specified as follows:

Ducks (except wood ducks and eider ducks).—Fifteen in the aggregate of all kinds, and any person at any one time may possess not more than 30 ducks in the aggregate of all kinds.

Geese (except snow geese in Florida and all States north thereof bordering on the Atlantic Ocean, Ross geese, and cackling geese) and brant.—Four in the aggregate of all kinds, and any person at any one time may possess not more than eight geese and brant in the aggregate of all kinds.

Rails and gallinules (except sora and coot).—Twenty-five in the aggregate of all kinds, but not more than 15 of any one species.

Sora.—Twenty-five.

Coot.—Twenty-five.

Wilson snipe or jacksnipe.—Twenty.

Woodcock.—Four.

Doves (mourning).—Twenty-five.

[As amended October 25, 1918; July 28, 1919; March 3, 1921; March 8, 1926; April 4, 1927; December 31, 1929; and March 17, 1931.]

Regulation 6.—Shipment, Transportation, and Possession of Certain Migratory Game Birds

Waterfowl (except snow geese in Florida and all States north thereof bordering on the Atlantic Ocean, Ross geese, cackling geese, wood duck, eider ducks, and swans), rails, coot, gallinules, woodcock, Wilson snipe or jacksnipe, and mourning doves and parts thereof legally taken may be transported in or out of the State where taken during the respective open seasons in that State, and may be imported from Canada during the open season in the Province where taken, in any manner, but not more than the number thereof that may be taken in two days by one person under these regulations shall be transported by one

person in one calendar week out of the State where taken; any such migratory game birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed 5 days, necessary to deliver the same to their destination, and may be possessed in any State, Territory, or District during the period constituting the open season where killed, and for an additional period of 10 days next succeeding said open season; and any package in which migratory game birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds contained therein clearly and conspicuously marked on the outside thereof; but no such birds shall be transported from any State, Territory, or District to or through another State, Territory, or District or to or through a Province of the Dominion of Canada contrary to the laws of the State, Territory, or District, or Province of the Dominion of Canada in which they were taken or from which they are transported; nor shall any such birds be transported into any State, Territory, or District from another State, Territory, or District, or from any State, Territory, or District into any Province of the Dominion of Canada at a time when such State, Territory, or District, or Province of the Dominion of Canada prohibits the possession or transporting thereof.

[As amended October 25, 1918; July 9, 1920; March 8, 1926; April 4, 1927; and March 17, 1931.]

Regulation 7.—Taking of Certain Migratory Nongame Birds by Eskimos and Indians in Alaska

In Alaska Eskimos and Indians may take for the use of themselves and their immediate families, in any manner and at any time, and possess and transport auks, auklets, guillemots, murres, and puffins and their eggs for food and their skins for clothing.

Regulation 8.—Permits to Propagate and Sell Migratory Waterfowl

1. A person may take in any manner and at any time migratory waterfowl and their eggs for propagating purposes when authorized by a permit issued by the Secretary. Waterfowl and their eggs so taken may be possessed by the permittee and may be sold and transported by him for propagating purposes to any person holding a permit issued by the Secretary in accordance with the provisions of this regulation.

2. A person authorized by a permit issued by the Secretary may possess, buy, sell, and transport migratory waterfowl and their increase and eggs in any manner and at any time for propagating purposes; and migratory waterfowl, except the birds taken under paragraph 1 of this regulation, so possessed may be killed by him at any time, in any manner, except that they may be killed by shooting only during the open season for waterfowl in the State where killed, and the carcasses, with heads and feet attached thereto, of the birds so killed may be sold and transported by him in any manner and at any time to any person for actual consumption, or to the keeper of a hotel, restaurant, or boarding house, retail dealer in meat or game, or a club, for sale or service to their patrons, who may possess such carcasses for actual consumption without a permit, but no migratory waterfowl killed by shooting shall be bought or sold unless each bird before attaining the age of 4 weeks shall have had removed from the web of one foot a portion thereof in the form of a V large enough to make a permanent, well-defined mark, which shall be sufficient to identify it as a bird raised in domestication under a permit.

3. Any package in which such waterfowl or parts thereof or their eggs are transported shall have plainly and conspicuously marked on the outside thereof the name and address of the permittee, the number of his permit, the name and address of the consignee, and an accurate statement of the number and kinds of birds or eggs contained therein.

4. Applications for permits must be addressed to the Secretary of Agriculture, Washington, D. C., and must contain the following information: Name and address of applicant; place where the business is to be carried on; number of acres of land used in the business and whether owned or leased by the applicant; number of each species of waterfowl in possession of applicant; names of species and number of birds or eggs of each species if permission is asked to take waterfowl or their eggs; and the particular locality where it is desired to take such waterfowl or eggs.

5. A person granted a permit under this regulation shall keep books and records which shall correctly set forth the total number of each species of water-

fowl and their eggs possessed on the date of application for the permit and on the 1st day of each January next following; also for each calendar year during the life of the permit the total number of each species reared and killed, number of each species and their eggs sold and transported, manner in which such waterfowl and eggs were transported, name and address of each person from or to whom waterfowl and eggs were purchased or sold, together with the number and species and whether sold alive or dead; and the date of each transaction. A report setting forth this information shall be annually furnished the Secretary during the month of January for the preceding calendar year.

6. A permittee shall at all reasonable hours allow any authorized employee of the United States Department of Agriculture to enter and inspect the premises where operations are being carried on under this regulation and to inspect the books and records of such permittee relating thereto.

7. A permit issued under this regulation shall be valid until revoked by the Secretary unless otherwise specified therein, shall not be transferable, and may be revoked by the Secretary, if the permittee violates any of the provisions of the migratory bird treaty act or of the regulations thereunder. A permit duly revoked by the Secretary shall be surrendered to him by the person to whom it was issued, on demand of any employee of the United States Department of Agriculture duly authorized to enforce the provisions of the migratory bird treaty act.

8. A person may possess and transport for his own use, without a permit, live migratory waterfowl now lawfully possessed or hereafter lawfully acquired by him, but he may not purchase or sell such waterfowl without a permit. A State or municipal game farm or city park may possess, purchase, sell, and transport live migratory waterfowl without a permit, but no such waterfowl shall be purchased from or sold to a person (other than such State or municipal game farm or city park) unless he has a permit. The feathers of wild ducks and wild geese lawfully killed, and feathers of such birds seized and condemned by Federal or State game authorities may be possessed, bought, sold, and transported, for use in making fishing flies, bed pillows, and mattresses, and for similar commercial purposes, but not for millinery or ornamental purposes.

[As amended October 25, 1918; July 9, 1920; and April 10 and June 11, 1923.]

Regulation 9.—Permits to Collect Migratory Birds for Scientific Purposes

A person may take in any manner and at any time migratory birds and their nests and eggs for scientific purposes when authorized by a permit issued by the Secretary, which permit shall be carried on his person when he is collecting specimens thereunder and shall be exhibited to any person requesting to see the same, except that nothing herein shall be deemed to permit the taking of any migratory game bird on any day from sunset to one-half hour before sunrise.

Application for a permit must be addressed to the Secretary of Agriculture, Washington, D. C., and must contain the following information: Name and address of the applicant, his age, and name of State, Territory, or District in which specimens are proposed to be taken, and the purpose for which they are intended. Each application shall be accompanied by two certificates certifying to the fitness of such person to hold a Federal permit. These certificates will be accepted from well-known ornithologists, principals or superintendents of educational or zoological institutions, officials or members of zoological or natural-history organizations, or instructors in zoology in high schools, colleges, or universities, or by any one of the above together with a certificate by the chief game official of the State in which the applicant is a resident or of the State in which he desires to conduct his operations.

The permit may limit the number and species of birds, birds' nests, or eggs that may be collected thereunder, and may authorize the holder thereof to possess, buy, sell, exchange, and transport in any manner and at any time migratory birds, parts thereof, and their nests and eggs for scientific purposes; or it may limit the holder to one or more of these privileges. Public museums, zoological parks and societies, and public, scientific, and educational institutions may possess, buy, sell, exchange, and transport in any manner and at any time migratory birds and parts thereof and their nests and eggs for scientific purposes without a permit, but no specimens shall be taken without a permit. The plumage and skins of migratory game birds legally taken may be possessed and transported by a person without a permit.

A taxidermist, when authorized by a permit issued by the Secretary, may possess, buy, sell, exchange, and transport in any manner and at any time migratory birds and parts thereof legally taken, or he may be limited to one or more of these privileges. A taxidermist granted a permit under this regulation shall keep books and records, correctly setting forth the name and address of each person delivering each specimen of a migratory bird to him, together with the name of each species, the date of delivery, the disposition of such specimen, and the date thereof, which said books and records shall be available for inspection at all reasonable hours on request by any duly authorized representative of the Department of Agriculture.

Each permit shall be valid until revoked by the Secretary unless otherwise specified therein, shall not be transferable, and shall be revocable at the discretion of the Secretary. A permit duly revoked by the Secretary shall be surrendered to him by the person to whom it was issued, on demand of any employee of the United States Department of Agriculture duly authorized to enforce the provisions of the migratory bird treaty act. A person holding a permit under this regulation shall report annually to the Secretary on or before the 10th day of January during the life of the permit the number of skins, nests, or eggs of each species collected, bought, sold, received, possessed, mounted, exchanged, or transported during the preceding calendar year.

Every package in which migratory birds or their nests or eggs are transported shall have clearly and conspicuously marked on the outside thereof the name and address of the sender, the number of the permit in every case when a permit is required, the name and address of the consignee, a statement that it contains specimens of birds, their nests, or eggs for scientific purposes, and, whenever such a package is transported or offered for transportation from the Dominion of Canada into the United States or from the United States into the Dominion of Canada, an accurate statement of the contents.

[As amended October 25, 1918; March 3, 1921; June 11, 1923; April 23, 1929; and March 17, 1931.]

Regulation 10.—Permits to Kill Migratory Birds Injurious to Property

When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times and by what means. Upon his determination an appropriate order will be made.

Regulation 11.—State Laws for the Protection of Migratory Birds

Nothing in these regulations shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds, their nests, and eggs contrary to the laws and regulations of any State, or Territory, or District made for the purpose of giving further protection to migratory birds, their nests, and eggs when such laws and regulations are not inconsistent with the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, or the migratory bird treaty act and do not extend the open seasons for such birds beyond the dates prescribed by these regulations.

[Added by proclamation of October 25, 1918, as amended July 9, 1920.]

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN
FOR THE PROTECTION OF MIGRATORY BIRDS IN THE UNITED
STATES AND CANADA¹

[39 Stat. 1702]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Ireland for the protection of migratory birds in the United States and Canada was concluded and signed by their respective plenipotentiaries at Washington on the 16th day of August, 1916, the original of which convention is word for word as follows:

Whereas many species of birds in the course of their annual migrations traverse certain parts of the United States and the Dominion of Canada; and

Whereas many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops, in both the United States and Canada, but are nevertheless in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or harmless, have resolved to adopt some uniform system of protection which shall effectively accomplish such objects and to the end of concluding a convention for this purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. Sir Cecil Arthur Spring Rice, G. C. V. O., K. C. M. G., etc., His Majesty's ambassador extraordinary and plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and adopted the following articles:

Article I

The high contracting powers declare that the migratory birds included in the terms of this convention shall be as follows:

1. Migratory game birds:

- (a) Anatidae or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidae or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidae or rails, including coots, gallinules, and sora and other rails.
- (d) Limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.
- (e) Columbidae or pigeons, including doves and wild pigeons.

2. Migratory insectivorous birds: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull-bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, wax-wings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other migratory nongame birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters, and terns.

Article II

The high contracting powers agree that, as an effective means of preserving migratory birds, there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities.

¹ Signed at Washington, Aug. 16, 1916; ratification advised by the Senate Aug. 29, ratified by the President Sept. 1, and by Great Britain Oct. 20; ratifications exchanged Dec. 7; proclaimed Dec. 8, 1916.

1. The close season on migratory game birds shall be between March 10 and September 1, except that the close season on the Limicolae or shorebirds in the Maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months as the high contracting powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, gullmots, murre, and puffins, and their eggs, for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

Article III

The high contracting powers agree that during the period of 10 years next following the going into effect of this convention there shall be a continuous close season on the following migratory game birds, to wit:

Band-tailed pigeons, little brown, sandhill, and whooping cranes, swans, curlew, and all shorebirds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs); provided that during such 10 years the close seasons on cranes, swans, and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this convention for the respective groups to which these birds belong.

Article IV

The high contracting powers agree that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least 5 years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

Article V

The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the high contracting powers may severally deem appropriate.

Article VI

The high contracting powers agree that the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation from the United States into the Dominion of Canada or from the Dominion of Canada into the United States, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

Article VII

Permits to kill any of the above-named birds, which under extraordinary conditions may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the high contracting powers under suitable regulations prescribed therefor by them, respectively, but such permits shall lapse or may be canceled at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold, or offered for sale.

Article VIII

The high contracting powers agree themselves to take, or propose to their respective appropriate law-making bodies, the necessary measures for insuring the execution of the present convention.

Article IX

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible, and the convention shall take effect on the date of the exchange of the ratifications. It shall remain in force for 15 years, and in the event of neither of the high contracting powers having given notification 12 months before the expiration of said period of 15 years of its intention of terminating its operation, the convention shall continue to remain in force for 1 year and so on from year to year.

In faith whereof, the respective plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their seals.

Done at Washington this 16th day of August, 1916.

[SEAL.]

ROBERT LANSING.

[SEAL.]

CECIL SPRING RICE.

And whereas the said convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the 7th day of December, 1916:

Now, therefore, be it known that I, WOODROW WILSON, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 8th day of December in the year of our Lord 1916, and of the independence of the United States of America the 141st.

[SEAL.]

WOODROW WILSON.

By the President:

ROBERT LANSING,

Secretary of State.

MIGRATORY BIRD TREATY ACT^a

[Act of July 3, 1918. 40 Stat. 755—U. S. Code, Title 16, Secs. 703–711.]

An Act To give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August 16, 1916, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be known by the short title of the "Migratory Bird Treaty Act."

SEC. 2. That unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time or in any manner, any migratory bird, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, or any part, nest, or egg of any such bird.

SEC. 3. That, subject to the provisions and in order to carry out the purposes of the convention, the Secretary of Agriculture is authorized and directed, from

^a Constitutionality of the treaty and act of July 3, 1918, sustained by the United States Supreme Court in a decision rendered Apr. 19, 1920, in the case of the State of Missouri v. Ray P. Holland (252 U. S. 416); see also U. S. v. Lumpkin (276 Fed. 580). Canada, by an act of Parliament approved Aug. 29, 1917, gave full effect to the treaty and promulgated regulations thereunder May 11, 1918. The validity of the act of the Dominion Parliament was upheld by the Supreme Court of Prince Edward Island in a decision (Michaelmas term, 1920) rendered in the case of the King v. Russell C. Clark. For full text of the Canadian migratory-bird treaty act and regulations, communicate with the Commissioner, National Parks of Canada, Ottawa, Ontario.

time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the convention to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President.

SEC. 4. That it shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or District to or through another State, Territory, or District, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or District in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried.

SEC. 5. That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act shall have power, without warrant, to arrest any person committing a violation of this act in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this act; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulations made pursuant thereto shall, when found, be seized by any such employee, or by any marshal, or deputy marshal, and, upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

SEC. 6. That any person, association, partnership, or corporation who shall violate any of the provisions of said convention or of this act, or who shall violate or fail to comply with any regulation made pursuant to this act, shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both.

SEC. 7. That nothing in this act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of said convention or of this act, or from making or enforcing laws or regulations which shall give further protection to migratory birds, their nests, and eggs, if such laws or regulations do not extend the open seasons for such birds beyond the dates approved by the President in accordance with section three of this act.

SEC. 8. That until the adoption and approval, pursuant to section 3 of this act, of regulations dealing with migratory birds and their nests and eggs, such migratory birds and their nests and eggs as are intended and used exclusively for scientific or propagating purposes may be taken, captured, killed, possessed, sold, purchased, shipped, and transported for such scientific or propagating purposes if and to the extent not in conflict with the laws of the State, Territory, or District in which they are taken, captured, killed, possessed, sold, or purchased, or in or from which they are shipped or transported if the packages containing the dead bodies or the nests or eggs of such birds when shipped and transported shall be marked on the outside thereof so as accurately and clearly to show the name and address of the shipper and the contents of the package.

SEC. 9. That the unexpended balances of any sums appropriated by the agricultural appropriation acts for the fiscal years 1917 and 1918, for enforcing the provisions of the act approved March 4, 1913, relating to the protection of migratory game and insectivorous birds, are hereby reappropriated and made available until expended for the expenses of carrying into effect the provisions

of this act and regulations made pursuant thereto, including the payment of such rent, and the employment of such persons and means, as the Secretary of Agriculture may deem necessary, in the District of Columbia and elsewhere, cooperation with local authorities in the protection of migratory birds, and necessary investigations connected therewith: *Provided*, That no person who is subject to the draft for service in the Army or Navy shall be exempted or excused from such service by reason of his employment under this act.

SEC. 10. That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 11. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 12. Nothing in this act shall be construed to prevent the breeding of migratory game birds on farms and preserves and the sale of birds so bred under proper regulations for the purpose of increasing the food supply.

SEC. 13. That this act shall become effective immediately upon its passage and approval.

LACEY ACT, REGULATING INTERSTATE COMMERCE IN WILD ANIMALS⁴

Federal laws affecting the shipment of wild animals comprise statutes regulating interstate commerce by common carrier in the dead bodies or parts thereof, and the importation of live birds and mammals from foreign countries, as follows:

[U. S. Code, Title 18, Criminal Code and Criminal Procedure]

SEC. 391. The importation into the United States, or any Territory or District thereof, of the mongoose, the so-called "flying foxes," or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals, shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. No person shall import into the United States or into any Territory or District thereof any foreign wild animal or bird, except under special permit from the Secretary of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural-history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of Agriculture may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.⁵ (Act of March 4, 1909, sec. 241—35 Stat. 1137.)

SEC. 392. It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier to transport from any State, Territory, or District of the United States to any other State, Territory, or District thereof, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds,⁶ where such animals or birds have been killed or shipped in violation of the laws of the State, Territory, or District in which the same were killed, or from which they were shipped: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are captured or killed. (Act of March 4, 1909, sec. 242—35 Stat. 1137.)

⁴ For secs. 2, 3, and 4 of the act of May 25, 1900—31 Stat. 187—188—which was superseded by secs. 241—244 of the act of March 4, 1909—35 Stat. 1137—see secs. 391—394 of U. S. Code, title 18; for sec. 5 of the act of May 25, 1900, see sec. 395 of title 18; and for sec. 1, see sec. 701 of title 16.

⁵ See joint regulations (S. R. A.—B. S. 69), effective November 21, 1927, governing the importation of bobwhite quail from Mexico, copies of which may be obtained free of charge from the U. S. Department of Agriculture, Washington, D. C.

⁶ See sec. 4 of the migratory bird treaty act, p. 11, which supersedes this part of the Lacey Act relative to the interstate transportation of wild birds.

SEC. 393. All packages containing the dead bodies, or the plumage, or parts thereof, of game animals, or game or other wild birds, when shipped in interstate or foreign commerce, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on an inspection of the outside of such package. (Act of March 4, 1909, sec. 243—35 Stat. 1137.)

SEC. 394. For each evasion or violation of any provision of the three sections last preceding the shipper shall be fined not more than \$200; the consignee knowingly receiving such articles so shipped and transported in violation of said sections shall be fined not more than \$200; and the carrier knowingly carrying or transporting the same in violation of said sections shall be fined not more than \$200. (Act of March 4, 1909, sec. 244—35 Stat. 1138.)

SEC. 395. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl. (Act of May 25, 1900, sec. 5—31 Stat. 188.)

[U. S. Code, Title 16, Conservation]

SEC. 701. That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this act, and shall expend for said purposes such sums as Congress may appropriate therefor. (Act of May 25, 1900, sec. 1—31 Stat. 187.)

LAW PROTECTING WILD ANIMALS AND BIRDS AND THEIR EGGS AND GOVERNMENT PROPERTY ON FEDERAL REFUGES

[U. S. Code, Title 18, Criminal Code and Criminal Procedure]

SEC. 145. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than \$500, or imprisoned not more than six months, or both. (Act of March 4, 1909, sec. 84, as amended April 15, 1924, 43 Stat. 98.)

[U. S. Code, Supplement IV, Title 16, Conservation]

SEC. 715i. No person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this chapter, or cut, burn, or destroy any timber, grass, or other natural

growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture; nor shall any person take any bird, or nest or egg thereof on any area acquired under this chapter, except for scientific or propagating purposes under permit of the Secretary of Agriculture; but nothing in this chapter or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this chapter for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area. (Act of February 18, 1929, sec. 10—45 Stat. 1222.)

HUNTING ON NATIONAL FORESTS

Regulation T-7, effective October 1, 1919, of the Regulations of the Forest Service relative to National Forests, provides as follows:

The following acts are prohibited on lands of the United States within national forests:

The going or being upon any such land, or in or on the waters thereof, with intent to hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or to take the eggs of any such bird, in violation of the laws of the State in which such land or waters are situated.

Regulation G-30 authorizes all forest officers to enforce the above regulation and also to cooperate with State or Territorial officials in the enforcement of local laws for the protection of birds, fish, and game.

FIRES ON PUBLIC DOMAIN

[Act of March 4, 1909—U. S. Code, Title 18, Criminal Code and Criminal Procedure]

SEC. 106. Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than \$5,000, or imprisoned not more than two years, or both.

SEC. 107. Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

PROVISIONS OF TARIFF ACT REGULATING IMPORTATION OF PLUMAGE, GAME, ETC.

[Act of June 17, 1930—U. S. Code, Supplement IV, Title 19, Customs Duties]

Title I.—Dutiable List

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS

PAR. 704. Reindeer meat, venison and other game (except birds), fresh, chilled, or frozen, not specially provided for, 6 cents per pound.

PAR. 711. Birds, live: Chickens, ducks, geese, turkeys, and guineas, 8 cents per pound; baby chicks of poultry, 4 cents each; all other live birds not specially provided for, valued at \$5 or less each, 50 cents each; valued at more than \$5 each, 20 per centum ad valorem.

PAR. 712. Birds, dead, dressed or undressed, fresh, chilled, or frozen; Chickens, ducks, geese, and guineas, 10 cents per pound; turkeys, 10 cents per pound; all other, 10 cents per pound; all the foregoing, prepared or preserved in any manner and not specially provided for, 10 cents per pound.

PAR. 715. Live animals, vertebrate and invertebrate, not specially provided for, 15 per centum ad valorem.

SCHEDULE 15.—SUNDRIES

PAR. 1518. Feathers and downs, on the skin or otherwise, crude or not dressed, colored, or otherwise advanced or manufactured in any manner, not specially provided for, 20 per centum ad valorem; dressed, colored, or otherwise advanced or manufactured in any manner, including quilts of down and other manufactures of down, 60 per centum ad valorem; feather dusters, 45 per centum ad valorem; artificial or ornamental feathers suitable for use as millinery ornaments, 60 per centum ad valorem; * * * and all articles not specially provided for, composed wholly or in chief value of any of the feathers, * * * above mentioned, shall be subject to the rate of duty provided in this paragraph for such materials, but not less than 60 per centum ad valorem: *Provided*, That the importation of birds of paradise, aigrettes, egret plumes or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, and not for scientific or educational purposes, is hereby prohibited; but this provision shall not apply to the feathers or plumes of ostriches or to the feathers or plumes of domestic fowls of any kind: *Provided further*, That birds of paradise, and the feathers, quills, heads, wings, tails, skins, or parts thereof, and all aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, of like kind to those the importation of which is prohibited by the foregoing provisions of this paragraph, which may be found in the United States, on and after the passage of this Act, except as to such plumage or parts of birds in actual use for personal adornment, and except such plumage, birds or parts thereof imported therein for scientific or educational purposes, shall be presumed for the purpose of seizure to have been imported unlawfully after October 3, 1913, and the collector of customs shall seize the same unless the possessor thereof shall establish, to the satisfaction of the collector that the same were imported into the United States prior to October 3, 1913, or as to such plumage or parts of birds that they were plucked or derived in the United States from birds lawfully therein; and in case of seizure by the collector, he shall proceed as in case of forfeiture for violation of the customs laws, and the same shall be forfeited, unless the claimant shall, in any legal proceeding to enforce such forfeiture, other than a criminal prosecution, overcome the presumption of illegal importation and establish that the birds or articles seized, of like kind to those mentioned the importation of which is prohibited as above, were imported into the United States prior to October 3, 1913, or were plucked in the United States from birds lawfully therein.

That whenever birds or plumage, the importation of which is prohibited by the foregoing provisions of this paragraph, are forfeited to the Government, the Secretary of the Treasury is hereby authorized to place the same with the departments or bureaus of the Federal or State Governments or societies or museums for exhibition or scientific or educational purposes, but not for sale or personal use; and in the event of such birds or plumage not being required or desired by either Federal or State Government or for educational purposes, they shall be destroyed.

That nothing in this Act shall be construed to repeal the provisions of the Act of March 4, 1913, chapter 145 (Thirty-seventh Statutes at Large, page 847), or the Act of July 3, 1918 (Fortieth Statutes at Large, page 755), or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States. That if on investigation by the collector before seizure, or before trial for forfeiture, or if at such trial if such seizure has been made, it shall be made to appear to the collector, or the prosecuting officer of the Government, as the case may be, that no illegal importation of such feathers has been made, but that the possession, acquisition or purchase of such feathers is or has been made in violation of the provisions of the Act of March 4, 1913, chapter 145 (Thirty-seventh Statutes at Large, page 847), or the Act of July 3, 1918 (Fortieth Statutes at Large, page 755), or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States, it shall be the duty of the collector, or such prosecuting officer, as the case may be, to report the facts to the proper officials of the United States, or State or Territory charged with the duty of enforcing such laws.

PAR. 1519. (a) Dressed furs and dressed fur skins (except silver or black fox), and plates, mats, linings, strips, and crosses of dressed dog, goat, or kid skins, 25 per centum ad valorem; all the foregoing, if dyed, 30 per centum ad valorem.

(b) Manufactures of fur (except silver or black fox) further advanced than dressing, prepared for use as material * * * if not dyed, 35 per centum ad valorem; if dyed, 40 per centum ad valorem.

(c) Silver or black fox furs or skins, dressed or undressed, not specially provided for, 50 per centum ad valorem.

(e) Articles wholly or partly manufactured (including fur collars, fur cuffs, and fur trimmings), wholly or in chief value of fur, not specially provided for, 50 per centum ad valorem.

PAR. 1520. Hatters' furs, or furs not on the skin, prepared for hatters' use, including fur skins carroted, 35 per centum ad valorem.

PAR. 1530. (c) Leather * * * made from the hides or skins of * * * reptiles and birds, 25 per centum ad valorem.

PAR. 1535. * * * any prohibition of the importation of feathers in this Act shall not be construed as applying to artificial flies used for fishing, or to feathers used for the manufacture of such flies.

Title II.—Free List

SCHEDULE 16

PAR. 1606. (a) Any animal imported by a citizen of the United States specially for breeding purposes, shall be admitted free, whether intended to be used by the importer himself or for sale for such purposes, except black or silver foxes: *Provided*, That no such animal shall be admitted free unless pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed: *Provided further*, That the certificate of such record and pedigree of such animal shall be produced and submitted to the Department of Agriculture, duly authenticated by the proper custodian of such book of record, together with an affidavit of the owner, agent, or importer that the animal imported is the identical animal described in said certificate of record and pedigree. The Secretary of Agriculture may prescribe such regulations as may be required for determining the purity of breeding and the identity of such animal: *And provided further*, That the collectors of customs shall require a certificate from the Department of Agriculture stating that such animal is pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed.

(b) The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision.

(c) * * * the provisions of this Act shall apply to all such animals as have been imported and are in quarantine or otherwise in the custody of customs or other officers of the United States at the date of the taking effect of this Act.

PAR. 1607. Animals and poultry, brought into the United States temporarily for a period not exceeding six months, for the purpose of breeding, exhibition, or competition for prizes offered by any agricultural, polo, or racing association; but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury; also teams of animals, including their harness and tackle, and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration, under such regulations as the Secretary of the Treasury may prescribe; and wild animals and birds intended for exhibition in zoological collections for scientific or educational purposes, and not for sale or profit.

PAR. 1671. Eggs of birds, fish, and insects (except fish roe for food purposes): *Provided*, That the importation of eggs of wild birds is prohibited, except eggs of game birds imported for propagating purposes under regulations prescribed by the Secretary of Agriculture, and specimens imported for scientific collections.

PAR. 1681. Furs and fur skins, not specially provided for, undressed.

PAR. 1682. Live game animals and birds, imported for stocking purposes, and game animals and birds killed in foreign countries by residents of the United States and imported by them for noncommercial purposes; under such regulations as the Secretary of Agriculture and the Secretary of the Treasury shall prescribe.

PAR. 1741. Pigeons, fancy or racing.

PAR. 1765. Skins of all kinds, raw, and hides not specially provided for.

PAR. 1767. Specimens of natural history, botany, and mineralogy, when imported for scientific public collections, and not for sale.

Title IV.—Administrative Provisions

IMPORTATION OF WILD MAMMALS AND BIRDS IN VIOLATION OF FOREIGN LAW

SEC. 527. (a) *Importation prohibited*.—If the laws or regulations of any country, dependency, province, or other subdivision of government restrict the taking, killing, possession, or exportation to the United States of any wild mammal or bird, alive or dead, or restrict the exportation to the United States of any part or product of any wild mammal or bird, whether raw or manufactured, no such mammal or bird, or part or product thereof, shall, after the expiration of ninety days after the enactment of this Act, be imported into the United States from such country, dependency, province, or other subdivision of government, directly or indirectly, unless accompanied by a certification of the United States consul, for the consular district in which is located the port or place from which such mammal or bird, or part or product thereof, was exported from such country, dependency, province, or other subdivision of government, that such mammal or bird, or part or product thereof, has not been acquired or exported in violation of the laws or regulations of such country, dependency, province, or other subdivision of government.

(b) *Forfeiture*.—Any mammal or bird, alive or dead, or any part or product thereof, whether raw or manufactured, imported into the United States in violation of the provisions of the preceding subdivision shall be subject to seizure and forfeiture under the customs laws. Any such article so forfeited may, in the discretion of the Secretary of the Treasury and under such regulations as he may prescribe, be placed with the departments or bureaus of the Federal or State Governments, or with societies or museums, for exhibition or scientific or educational purposes, or destroyed, or (except in the case of heads or horns of wild mammals) sold in the manner provided by law.

(c) *Section not to apply in certain cases*.—The provisions of this section shall not apply in the case of—

(1) *Prohibited importations*.—Articles the importation of which is prohibited under the provisions of this Act, or of section 241 of the Criminal Code, or of any other law;

(2) *Scientific or educational purposes*.—Wild mammals or birds, alive or dead, or parts or products thereof, whether raw or manufactured, imported for scientific or educational purposes;

(3) *Certain migratory game birds*.—Migratory game birds (for which an open season is provided by the laws of the United States and any foreign country which is a party to a treaty with the United States, in effect on the date of importation, relating to the protection of such migratory game birds) brought into the United States by bona fide sportsmen returning from hunting trips in such country, if at the time of importation the possession of such birds is not prohibited by the laws of such country or of the United States.

CANADIAN TARIFF ACT PROHIBITING IMPORTATION OF PLUMAGE, MONGOOSES, AND CERTAIN BIRDS

The importation of bird plumage into Canada for millinery purposes is prohibited by tariff item 1212 under Schedule C (prohibited goods), as added by section 5 of the Canadian customs tariff act of 1914. Item 1212 prohibits the entry of the following:

1212. Aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins of wild birds either raw or manufactured; but this provision shall not come into effect until January 1, 1915, and shall not apply to—

- (a) The feathers or plumes of ostriches;
- (b) The plumage of the English pheasant and the Indian peacock;
- (c) The plumage of wild birds ordinarily used as articles of diet;
- (d) The plumage of birds imported alive; nor to
- (e) Specimens imported under regulations of the minister of customs for any natural-history or other museum or for educational purposes.

Item 1214 under Schedule C (prohibited goods), as added by the customs tariff act, effective May 24, 1922, prohibits the entry of the following:

1214. (a) Common mongoose (*Herpestes griseus*) or mongoose of any kind;
- (b) Common mynah, Chinese mynah, crested mynah, or any other species of the starling family (*Sturnidae*);
- (c) Java sparrows, rice bird, nutmeg finch, or other species of the weaver bird family (*Ploceidae*);
- (d) European chaffinch (*Fringilla coelebs*);
- (e) Great titmouse (*Parus major*).

OFFICIALS FROM WHOM COPIES OF GAME LAWS MAY BE OBTAINED

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| <p>Federal Laws: Secretary of Agriculture, Washington, D. C.</p> <p>Alabama: Department of Game and Fisheries, Montgomery.</p> <p>Alaska: Executive Officer, Alaska Game Commission, Juneau; or Secretary of Agriculture, Washington, D. C.</p> <p>Arizona: State Game Warden, Phoenix.</p> <p>Arkansas: Secretary Game and Fish Commission, Little Rock.</p> <p>California: Executive Officer, Fish and Game Commission, Russ Building, San Francisco.</p> <p>Colorado: State Game and Fish Commissioner, Denver.</p> <p>Connecticut: Superintendent of Fisheries and Game, Hartford.</p> <p>Delaware: Chief Game and Fish Warden, Dover.</p> <p>District of Columbia: Superintendent Metropolitan Police, Washington.</p> <p>Florida: State Game Commissioner, Tallahassee.</p> <p>Georgia: Game and Fish Commissioner, Atlanta.</p> <p>Hawaii: Fish and Game Division, Board of Agriculture and Forestry, Honolulu.</p> <p>Idaho: Fish and Game Warden, Boise.</p> <p>Illinois: Director Department of Conservation, Springfield.</p> <p>Indiana: Superintendent of Fisheries and Game, State House, Indianapolis.</p> <p>Iowa: State Game Warden, Des Moines.</p> <p>Kansas: State Fish and Game Warden, Pratt.</p> <p>Kentucky: Executive Agent Game and Fish Commission, Frankfort.</p> <p>Louisiana: Commissioner of Conservation, Court Building, New Orleans.</p> <p>Maine: Commissioner of Inland Fisheries and Game, State House, Augusta.</p> <p>Maryland: State Game Warden, 512 Munsey Building, Baltimore.</p> <p>Massachusetts: Director Division of Fisheries and Game, 20 Somerset Street, Boston.</p> <p>Michigan: Director Department of Conservation, Lansing.</p> <p>Minnesota: Game and Fish Commissioner, Department of Conservation, St. Paul.</p> <p>Mississippi: Secretary of State, Jackson; or Sheriff or County Clerk.</p> <p>Missouri: Game and Fish Commissioner, Jefferson City.</p> <p>Montana: State Fish and Game Warden, Helena.</p> <p>Nebraska: State Game Warden, Lincoln.</p> <p>Nevada: Secretary of State Fish and Game Commission, Reno.</p> <p>New Hampshire: Fish and Game Commissioner, Concord.</p> <p>New Jersey: Secretary of Board of Fish and Game Commissioners, Trenton.</p> <p>New Mexico: State Game and Fish Warden, Santa Fe.</p> <p>New York: Secretary Conservation Department; or Chief Game Protector, Albany.</p> | <p>North Carolina: State Game Warden, Raleigh.</p> <p>North Dakota: Game and Fish Commissioner, Bismarck.</p> <p>Ohio: Commissioner of Conservation, Columbus.</p> <p>Oklahoma: State Fish and Game Warden, Oklahoma City.</p> <p>Oregon: State Game Commission, 616 Oregon Building, Portland.</p> <p>Pennsylvania: Executive Secretary Board of Game Commissioners, Harrisburg.</p> <p>Rhode Island: Chairman Commissioners of Birds, Providence.</p> <p>South Carolina: Chief Game Warden, Columbia.</p> <p>South Dakota: Director Division of Game and Fish, Department of Agriculture, Pierre.</p> <p>Tennessee: State Game and Fish Warden, Nashville.</p> <p>Texas: Executive Officer, Game, Fish, and Oyster Commission, Austin.</p> <p>Utah: Fish and Game Commissioner, Salt Lake City.</p> <p>Vermont: Fish and Game Commissioner, Montpelier.</p> <p>Virginia: Executive Secretary, Commission of Game and Inland Fisheries, Richmond.</p> <p>Washington: Supervisor of Game and Game Fish, 404 Bell Street Terminal (P. O. Box 384), Seattle.</p> <p>West Virginia: Game and Fish Commission, Charleston.</p> <p>Wisconsin: Conservation Commissioner, Madison.</p> <p>Wyoming: State Game and Fish Commission, Cheyenne.</p> <p>Canada: Commissioner, National Parks of Canada, Ottawa.</p> <p>Alberta: Game Commissioner, Edmonton.</p> <p>British Columbia: Game Commissioner, 411 Dunsmuir Street, Vancouver.</p> <p>Manitoba: Director of Game and Fisheries, Winnipeg.</p> <p>New Brunswick: Chief Game Warden, Fredericton.</p> <p>Northwest Territories: Director, Northwest Territories and Yukon Branch, Department of Interior, Ottawa, Ontario.</p> <p>Nova Scotia: Minister of Lands and Forests, Halifax.</p> <p>Ontario: Department of Game and Fisheries, Toronto.</p> <p>Prince Edward Island: Game Inspector Provincial Treasury Department, Charlottetown.</p> <p>Quebec: General Superintendent of Fisheries and Game, Quebec.</p> <p>Saskatchewan: Game Commissioner, Regina.</p> <p>Yukon: Territorial Secretary, Dawson.</p> <p>Newfoundland: Secretary, Game and Inland Fisheries Board, St. Johns.</p> <p>Mexico: Secretaria de Agricultura y Fomento, San Jacinto, D. F., Mexico.</p> |
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